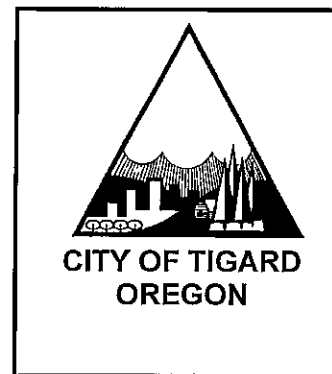


TIGARD CITY COUNCIL, LOCAL
CONTRACT REVIEW BOARD, & CITY
CENTER DEVELOPMENT AGENCY
MEETING

DECEMBER 13, 2005 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
DECEMBER 13, 2005

6:30 PM

- STUDY SESSION

- > DISCUSS THE LEAGUE OF OREGON CITIES REQUEST FOR A CONTRIBUTION FOR LEGAL FEES
 - Staff Report: Engineering Staff
- > DISCUSS THE WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS) INTERGOVERNMENTAL AGREEMENT
 - Staff Report: Library Staff
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to consult with legal counsel concerning current litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council, Local Contract Review Board, & City Center Development Agency
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - Tigard High School Student Envoy Krista Foltz
 - Follow-up to Previous Citizen Communication

3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
- 3.1 Approve Council Minutes for November 8, 15, and 22, 2005
 - 3.2 Approve City Center Development Agency Minutes for September 13, 20, October 11, 18 and November 15, 2005
 - 3.3 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - c. Minutes of the Meeting Hosted by the City of Tualatin – Tualatin City Council/Tigard Council/Tigard-Tualatin School District Board Meeting – October 17, 2005
 - 3.4 Initiate Action to Transfer Jurisdiction of a Portion of SW 95th Avenue Within the City of Tigard to the City – Resolution No. 05-_____
 - 3.5 Approve Lease with Washington County Consolidated Communications Agency (WCCCA) for a Portion of the Canterbury Property for Construction of an Emergency Communication Tower
 - 3.6 Appoint Gretchen Buehner, Jodie Inman, and David Walsh to the Planning Commission – Resolution No. 05-_____
- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/Local Contract Review Board/City Center Development Agency has voted on those items which do not need discussion.
4. GRADUATION OF TIGARD'S COMMUNITY EMERGENCY RESPONSE TEAM (CERT) VOLUNTEER PROGRAM CLASS IV
- a. Staff Report: Public Works Staff
5. PRESENTATION OF WASHINGTON COUNTY COOPERATIVE'S 2005 EXECUTIVE AWARD FOR EXCELLENCE TO HSBC CARD SERVICES OF TIGARD, OREGON
- a. Staff Report: Public Works Staff

6. CONSIDER ADOPTION OF THE BALLOT TITLE CORRESPONDING TO THE TIGARD CITY CENTER URBAN RENEWAL PLAN (PUBLIC HEARING CONTINUED FROM NOVEMBER 22, 2005)

On November 22, 2005, the Tigard City Council approved Ordinance No. 05-17, which adopted the City Center Urban Renewal Plan and Directed that the Plan be Referred to the Voters. Council received public testimony and the Mayor closed the public hearing. Staff recommends that the Council allow the ordinance to go into effect, but adopt additional findings addressing any comments received from any overlapping districts.

On November 22, 2005, the Council also had before it a proposed resolution to submit the City Center Urban Renewal Plan to the Voters of the City of Tigard Adopting a Ballot Title and Approving an Explanatory Statement. Council did not consider the resolution on November 22, 2005, and set the date of December 13, 2005, for consideration of the proposed resolution.

- a. Rules of Procedure: City Attorney
- b. Staff Report: Community Development Staff
- c. Public Comment on Comments from Taxing Districts and the Proposed Ballot Title
- d. Staff Recommendation
- e. Council Discussion
- f. Close Public Hearing
- g. Council Consideration:

- 1. Motion to Adopt Additional Findings Addressing Any Comments Received from Overlapping Taxing Districts
- 2. Resolution to Submitting the City Center Urban Renewal Plan to the Voters and Adopting a Ballot Title and Explanatory Statement - - Resolution No. 05-_____

Pursuant to Tigard Municipal Code Section 1.12.030 and Oregon Revised Statutes 250.296, an elector dissatisfied with the ballot title may file a petition with the City Elections Officer or the Washington County Circuit Court, no later than the close of business on Thursday, December 22, 2005, for a review of the ballot title by the City Council or the Circuit Court. City offices close at 5 p.m.

7. CONSIDER AMENDING THE TERMS OF APPOINTMENT OF THE MEMBERS OF THE BUILDING APPEALS BOARD
 - a. Staff Report: Community Development Staff
 - b. Council Discussion
 - c. Council Consideration: Ordinance No. 05-_____

8. CONTINUE DISCUSSION ON CLEAN WATER SERVICES FEE WAIVER REQUEST OR CITY-INITIATED COMMUNITY DEVELOPMENT CODE AMENDMENT
 - a. Staff Report: Community Development Staff
 - b. Council Discussion
 - c. Council Consideration

9. AUTHORIZE THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TIGARD AND CITY OF KING CITY – URBAN PLANNING AREA
 - a. Staff Report: Administration Staff
 - b. Council Discussion
 - c. Council Consideration: Motion to authorize the Mayor to sign a Memorandum of Understanding between the City of Tigard and the City of King City – Urban Planning Area

10. DISCUSS BRANDING/GRAPHIC IDENTITY DESIGN
 - a. Staff Report: Administration Staff
 - b. Council Discussion
 - c. Council Direction: Select Final Design

11. COUNCIL LIAISON REPORTS

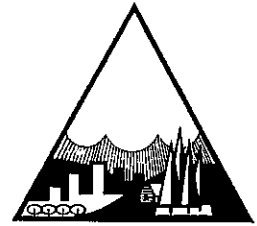
12. NON AGENDA ITEMS

13. **EXECUTIVE SESSION:** The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

14. **ADJOURNMENT**

l:\admin\city\ccal\2005\0512\13p.doc

MEMORANDUM



TO: Mayor and City Council

FROM: Nancy Werner *Nancy Werner*

RE: League of Oregon Cities Request for Contribution for Legal Fees

DATE: November 11, 2005

The League of Oregon Cities ("LOC") has requested that the City of Tigard and other Oregon cities voluntarily contribute two percent of their telecommunications franchise fees to pay legal fees of Oregon cities participating in the *Qwest v. Portland* litigation. Based on the unaudited franchise fee revenues from FY2004-05, the City's contribution would be \$6,656.

The attached letter describes the background of the litigation and the basis for this request. In short, the City of Portland, eight "intervening cities" and Qwest Communications have been in litigation since 2001 regarding the extent to which the Federal Telecommunications Act of 1996 ("1996 Act") preempts municipal authority over telecommunications providers. In 2002, the District Court ruled in favor of the cities with respect to the requirement that Qwest pay franchise fees, and Qwest appealed to the Ninth Circuit Court of Appeals. In 2004, the Ninth Circuit upheld the District Court's decision on fees, but remanded the case to the District Court to review each section of the cities' franchises to ensure their validity under the 1996 Act. The District Court has not yet ruled on the other franchise provisions, which include issues such as registration, permitting, and relocation. While the District Court has indicated that it will not consider Qwest's arguments regarding franchise fees because the Ninth Circuit did not remand on that issue, the LOC notes that Qwest has been attempting to persuade the Court to consider these arguments.

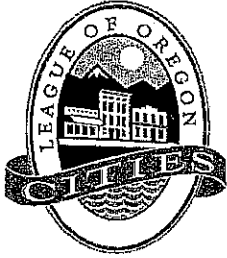
The LOC organized the intervention of the eight intervening cities to help protect the interests of all Oregon cities with respect to franchise rights. At that time, the LOC asked other Oregon cities to contribute to the legal costs for these intervening cities through a voluntary assessment of three percent of telecommunications franchise fees. In response, the City contributed the full three percent, which totaled \$12,607. The LOC asked for a one percent voluntary contribution to fund the litigation after Qwest's appeal to the Ninth Circuit in 2002, but it does not appear that the City contributed.

The most recent request for contributions is to fund the remand proceedings in which, as noted above, the District Court is considering additional issues that could impact the City's ability to manage our rights-of-way as we have in the past. While the apparent victory regarding franchise fees is significant because of its impact on the City's budget, the

issues remaining also are important to the City. The outcome of this litigation could set a precedent for all Oregon cities regarding the management of their rights-of-way, and the intervening cities are working to ensure that precedent supports cities' rights. To date, more funds have been expended on legal fees that have been contributed by cities. It is not clear whether the intervening cities will remain in the litigation if funds are not available to pay legal fees.

Contributing the requested funds would require a budget amendment. If Council decides to make the contribution, staff will bring forth a budget amendment for Council's approval.

cc: Craig Prosser, City Manager



League of Oregon Cities
Local Government Center
1201 Court St. NE, Suite 200
Salem, Oregon 97301-4194

P.O. Box 928
Salem, Oregon 97308-0928

(503) 588-6550 or
1-800-452-0338
Fax: (503) 399-4863
E-mail: loc@orcities.org
Web: www.orcities.org

OFFICERS

PRESIDENT

Helen Berg
Mayor, Corvallis

VICE-PRESIDENT

Mark Selmann
Mayor, Athena

TREASURER

Jim Fairchild
Mayor, Dallas

PAST PRESIDENT

Phillip Hawk,
Mayor, Pendleton

DIRECTORS

Bob Austin
Mayor, Estacada

Chuck Becker
Mayor, Gresham

Jim Bennett
City Manager, Newberg

Leroy Blodgett
City Manager, Brookings

Tom Hughes
Mayor, Hillsboro

Shirley Kalkhoven
Mayor, Nehalem

Rex Mather
City Manager, Boardman

Gary Papé
Councilor, Eugene

Jim Randall
Councilor, Salem

Erik Sten
Commissioner, Portland

Bob Strosser
Councilor, Medford

Alan Unger
Mayor, Redmond

EXECUTIVE DIRECTOR

Ken L. Strobeck

October 14, 2005

Dear Mayors and City Manager/Recorders,

The court battle over city franchise authority isn't over. When Qwest stopped paying telecom franchise fees and filed suit challenging our franchise and right-of-way authority, cities united in a thus-far successful effort to defend our rights. Many cities across the state contributed financially to cover the high legal fees required for our collective defense.

Unfortunately, the case isn't over yet. While we succeeded in restoring the flow of funds, Qwest is now trying to persuade the Federal District Court to hear new arguments challenging cities' ability to receive gross revenue based fees. At the same time the Ninth Circuit Court of Appeals has ordered a review of some provisions included in franchise agreements. Much is still at risk.

In order to finish the job and cement our victory, the League of Oregon Cities Board of Directors has authorized an additional request to member cities for a voluntary assessment for legal fees. All the money collected so far has been expended. The Board does not make this request lightly, recognizing the tight financial condition of cities in Oregon. However, we have come so far in securing our rights to telecom fees; it would be irresponsible to stop before achieving victory in this case.

Litigation Background

In July of 2001, Qwest stopped paying city telecommunications franchise fees, claiming that a Washington state case prohibited such fees. Oregon cities disagreed and the City of Portland sued Qwest, demanding payment. In August of 2001, the League of Oregon Cities organized the successful intervention of several strategically-selected cities into the lawsuit (Ashland, Happy Valley, Keizer, North Plains, Pendleton, Redmond, Salem and Springfield). Many Oregon cities collaboratively funded this litigation by voluntarily contributing three percent of their telephone franchise fees to the effort.

In March of 2002, in a big victory for cities, the U.S. District Court issued an order stating, **"I conclude as a matter of law that Qwest's failure to pay the fees breached its franchise agreements with cities. The only issue of material fact remaining concerns the precise amounts due each city."** ---Magistrate Judge Jelderks. He ordered Qwest to immediately pay the withheld franchise fees. Qwest paid, but appealed to the Ninth Circuit Court of Appeals. Again, many Oregon cities responded to a second request for funds for this leg of the litigation effort by voluntarily contributing one percent of their telephone franchise fees from their reserve accounts.

(Over, please)

Serving Oregon Communities for 80 Years



RECEIVED C.O.T.
OCT 19 2005
Administration

October 14, 2005
Page Two

On October 12, 2004 the Ninth Circuit issued a favorable decision which solidified cities' right to receive gross revenue-based telecommunications franchise fees. Oregon's cities, through their funding of this critical litigation, played an integral role in this success.

The Ninth Circuit's opinion affirmed that a city may structure its compensation for right-of-way use as a percentage of the telecom company's gross revenues under the Federal Telecommunications Act of 1996, but it was not the definitive decision we were hoping for. Because the Court decided to send back ("remand") the case to the Oregon District Court, there is still more legal work to be done. Specifically, the Court ordered the judge to make "individualized Section 253 preemption analysis for each city's ordinances..."

That ruling brings us to where we are today. The judge was ordered to review each individual franchise fee agreement for issues such as registration, right-of-way permitting, relocation and other provisions. Ideally, this review should not include arguments about the right to receive gross-revenue based fees or about the legality of Oregon statutes. However, in recent months, Qwest has been attempting to persuade the Court to hear such arguments. League attorneys are working hard to limit the scope of the remand to the topics indicated by the Ninth Circuit judges.

Funding Needed for Final Phases of the Litigation

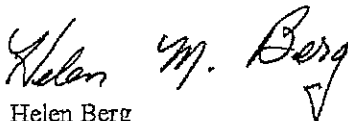
The remand is a new and likely, final phase of the litigation if we have the funding to mount an aggressive defense of city authority.

As we enter the homestretch, we again must ask for a voluntary assessment to fund the case which so far has cost more than \$300,000 in legal fees. Enclosed you'll find a Voluntary City Assessment form with a recommended rate of two percent of your telecom franchise fees. Please fill out this form and mail a check for your assessment to the League as soon as possible.

If you have any questions about legal issues, please call Christy Monson at the League office: 503-588-6550. If you have any questions about the funding of this litigation or about telecommunications issues in general, please feel free to call Ken Strobeck or David Barenberg at the same number.

Thank you for your ongoing dedication to the collective welfare of Oregon's cities. We look forward to hearing from you.

Sincerely,



Helen Berg
Mayor, Corvallis
2005 LOC President

Enclosure

(Your city's copy)

Qwest Litigation Contribution

Due December 31, 2005

City of _____

- | | |
|------------------------------------------------|----------|
| 1. City's annual telephone franchise receipts: | \$ _____ |
| 2. Multiply by 2% | X .02 |
| 3. Total contribution: | \$ _____ |

Make check payable to: League of Oregon Cities
PO Box 928
Salem OR 97308

..... ✂ ✂ ✂ ✂
Please detach and send with contribution

Qwest Litigation Contribution

Due December 31, 2005

City of _____

- | | |
|------------------------------------------------|----------|
| 1. City's annual telephone franchise receipts: | \$ _____ |
| 2. Multiply by 2% | X .02 |
| 3. Total contribution: | \$ _____ |

Make check payable to: League of Oregon Cities
PO Box 928
Salem OR 97308

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Washington County Cooperative Library Services Intergovernmental Agreement

PREPARED BY: Margaret Barnes DEPT HEAD OK MB CITY MGR OK comfor

ISSUE BEFORE THE COUNCIL

Washington County has issued a new Washington County Cooperative Library Services Intergovernmental Agreement.

STAFF RECOMMENDATION

Review the Intergovernmental Agreement for WCCLS. This item is scheduled for approval at the December 20, 2005 City Council meeting.

INFORMATION SUMMARY

The new Intergovernmental Agreement stating the newly approved governance structure becomes effective January 1, 2006. The new governance structure was briefly discussed with the City Council at the October 18, 2005 Council workshop meeting. This Agreement shall remain in effect until such time as this Agreement is wholly or partially terminated pursuant to Section 9 of this Agreement. This Agreement has been reviewed by the City Attorney's office, and no issues or concerns were identified.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None.

ATTACHMENT LIST

A. Intergovernmental Agreement, Washington County Cooperative Library Services.

FISCAL NOTES

None.

INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES

This Agreement is made by and between Washington County, a home rule subdivision of the State of Oregon hereinafter referred to as "County," on behalf of Washington County Cooperative Library Services, hereinafter referred to as "WCCLS," and the cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard, and Tualatin, and the Cedar Mill Community Library Association and the Garden Home Community Library Association, hereinafter referred to as "Contractor(s)."

WITNESSETH

WHEREAS, Washington County has approved funding for county-wide library services including non-fee access by County residents to public libraries operated by Contractors; and

WHEREAS, a Public Library Services Agreement exists to define the method for distribution of those funds and the rights and responsibilities of WCCLS and Contractors in the provision of county-wide library services; and

WHEREAS, the parties to this Agreement are either units of local government empowered by ORS 190.010 to enter into an intergovernmental agreement or are private non-profit agencies operating public libraries; and

WHEREAS, all parties are desirous of providing residents of Washington County with access to public library services and Contractors are capable of providing such access and services; and

WHEREAS the participating jurisdictions now desire to enter into another Agreement to provide, among other things, for an Executive Board and Policy Board among the participating jurisdictions and assigning responsibilities thereto in order to serve as advisors to the County regarding the provision of county-wide library service;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. DEFINITIONS

The following definitions shall be used in constructing the following phrases, terms and abbreviations in this Agreement:

- A. WCCLS (Washington County Cooperative Library Services) – An agency of county government which exists to coordinate, contract for or provide a full range of library and information services to all residents of the county.
- B. WCCLS Network – The consortium of public, academic, special and school libraries in Washington County, which exists to provide countywide library service.

- C. WILInet (Washington County Inter-Library Information Network) – An integrated, automated library system, including but not limited to WILI, which is comprised of the integrated library system software (online circulation, public access catalog, cataloging and acquisitions software), and other databases, Internet resources, central site hardware and telecommunications equipment.
- D. Qualified Borrowers – All Washington County residents, residents of counties with which Washington County has reciprocal borrowing agreements, and other paid card holders.
- E. West Slope Community Library - The public library that is a department of WCCLS and managed by the County. For purposes of funding, West Slope is treated as a Contractor, but is not a signatory to this Agreement.
- F. WCCLS Library Directors' Board – The executive body of the WCCLS Network; advisory to the Cooperative Library Advisory Board and the WCCLS Manager.
- G. Cooperative Library Advisory Board (CLAB) – The board appointed by the Washington County Board of County Commissioners to develop, review and recommend library service policies, representing Public Library Services Agreement Contractors and the West Slope Community Library. CLAB is advisory to the Board of County Commissioners and to the Cooperative Library Services Manager.

2. TERM OF AGREEMENT

This Agreement shall be in effect from January 1, 2006 and shall remain in effect perpetually thereafter, until such time as this Agreement is wholly or partially terminated pursuant to Section 9 herein.

3. GOVERNING BODY

WCCLS shall continue to be governed by the Washington County Board of County Commissioners. A WCCLS Executive Board, described below, shall be established to advise the Board of County Commissioners and the Cooperative Library Services Manager on matters pertaining to the funding for countywide library services, distribution of financial resources by WCCLS for the provision of countywide public library services, and long term governance and funding strategies.

The WCCLS Executive Board shall replace the current Cooperative Library Advisory Board. A WCCLS Policy Group, also described below, shall be established to provide technical and professional support and advice to the WCCLS Executive Board, to develop and implement policies and procedures for delivery of countywide public library services, and to advise the Cooperative Library Services Manager. The WCCLS Policy Group shall replace the current Library Directors' Board.

4. WCCLS EXECUTIVE BOARD

A. Membership

The Executive Board shall consist of twelve (12) voting Board Members ("Members") representing the ten current Contracting library service providers, the West Slope Community Library, and Washington County. For the cities of Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard, and Tualatin, the Members shall be the chief administrative officers of those jurisdictions or their designees. For the City of Banks, the Cedar Mill Community Library Association and the Garden Home Community Library Association, the Members shall be representatives designated by the Contractors' governing boards. For the West Slope Community Library, the Member shall be a representative of the community appointed by the Board of County Commissioners. The Washington County Administrator (or designee) shall represent countywide services. The Executive Board will meet as needed and will convene either prior to or immediately following the city/county managers' meetings.

B. Non-Voting Members

The Chair and Vice-Chair of the WCCLS Policy Group shall serve as Members of the Executive Board in an ex-officio capacity.

C. Appointments to the WCCLS Executive Board

Except as otherwise specified herein, appointments for all Contractors and the County are continuous and Members shall serve at the pleasure of their appointing authorities. The West Slope Community Library representative shall be appointed by the Board of County Commissioners for a two year term, which can be renewed.

D. Responsibilities

The Executive Board shall advise the Board of County Commissioners, the County Administrator and the Cooperative Library Services Manager on issues pertaining to funding for countywide library services, the distribution of financial resources by WCCLS for direct public library services, and long-term governance and funding strategies. This includes but is not limited to the following matters:

1. Provide recommendations regarding contracts related to the provision of centrally provided support services when Board of County Commissioner approval is required,
2. Review Policy Group recommendations for central service plans and budget allocations, forward the Executive Board's recommendations regarding the same to the County Administrator and the Board of County Commissioners for inclusion in WCCLS annual budget requests,
3. Review recommended allocation amounts and funding distribution formulas to be included in the Public Library Services Agreement; provide jurisdictional endorsements of such Agreements and recommend to the County Administrator and the Board of County Commissioners for approval,

4. Consider and recommend to the Cooperative Library Services Manager, the County Administrator and the Board of County Commissioners any changes regarding governance of Members or membership for WCCLS or the Executive Board,
5. Recommend long term funding strategies for countywide library service to the County and Board of County Commissioners,
6. Develop recommendations for the County and the Board of County Commissioners regarding supplemental funding strategies for countywide library services.

E. Schedule of Meetings

The Executive Board at its first organizational meeting or as soon thereafter as reasonable, shall adopt rules governing its procedures, and which shall include at a minimum: 1) time and place of regular meetings; 2) the method and manner of calling special meetings; 3) the method, term and manner of establishing committees or sub-committees; and 4) Executive Board by-laws and rules of procedure. The Executive Board shall meet as needed to adequately execute its duties and responsibilities. The first organizational meeting shall be a joint meeting with the WCCLS Policy Group and thereafter a joint meeting of the two boards shall be held annually. All meetings of the Executive Board and the WCCLS Policy Group shall be held in accordance with Oregon Public Meeting Laws, ORS 192.610 to 192.710.

F. Election of Officers

The Executive Board at its first organizational meeting or as soon thereafter as reasonable, shall elect a Chair and Vice Chair/Chair Elect. The term of the officers shall be for two years, with elections held at the Executive Board's annual meeting. The Chair, or the Vice Chair/Chair Elect in his/her absence, shall preside over all meetings of the Executive Board. The Cooperative Library Services Manager (or designee) shall serve as Clerk of the Board and be responsible for providing notices of meetings and keeping minutes, as required by Oregon Public Meeting Laws.

G. Quorum

A majority of the Members of the Executive Board shall constitute a quorum. All decisions of the Board, unless otherwise provided herein, shall require the presence of a quorum and a majority vote of those representatives in attendance. No recommendation regarding a formula for allocating county funds through the Public Library Services Agreement shall be forwarded to the Board of Commissioners unless it receives the votes of a majority of the Members of the Executive Board.

H. Voting

Each Member of the Executive Board shall have one vote. In the event that a Member is unable to attend a meeting in which a vote is scheduled to take place, the Member may appoint a designee to attend and vote in his/her place. Under circumstances when neither a Member nor his/her designee can attend, a Member may, prior to the meeting, submit his/her vote to the Chair on a specific issue under signature in writing or by email that clearly identifies the sender.

I. Adding or Subtracting Members

Members shall be added to the Executive Board, as needed, to represent new library service providers admitted to WCCLS through the Public Library Services Agreement (PLSA). Members shall be subtracted from the Executive Board at such time as a library service provider withdraws from membership in WCCLS and ceases to be a party to the PLSA, or when a city assumes management and fiscal responsibilities for operating a community library, or when two or more library service providers merge into one administrative entity. A library that changes its governance (EX: a city library becomes a community library, or a city or community library establishes a library district) retains its membership rights in WCCLS including membership on the Executive Board and authority to receive funds through the Public Library Services Agreement.

5. WCCLS POLICY GROUP

A. Membership

The WCCLS Policy Group ("Policy Group") shall consist of twelve (12) voting Members representing the ten (10) current contracting library service providers, the West Slope Community Library, and a library that is a non-public library WILnet member (either Tuality Health Information Resource Center or the Oregon College of Art and Craft library). These twelve Members shall be the library directors or their designees. The Policy Group shall replace the current Library Directors' Board.

B. Responsibilities

The Policy Group shall advise the WCCLS Executive Board and the Cooperative Library Services Manager on issues pertaining to the development and implementation of policies and procedures for delivery of public library services to all county residents, and to provide technical and professional support for the WCCLS Executive Board. This includes but is not limited to the following matters:

1. Develop, approve and implement shared policies and procedures for the delivery of direct public library services by member libraries,
2. Advise the Cooperative Library Services Manager on issues related to the provision of library services to special populations,
3. Advise the Cooperative Library Services Manager on operational considerations for contracts related to the provision of centrally provided support services,
4. Recommend annual service plans and review budget allocations for centrally provided support services and library services to special populations to the Cooperative Library Services Manager and the Executive Board,
5. Advise the Cooperative Library Services Manager and the Executive Board on the allocation of County resources for direct public library service delivery and the formula used to distribute such resources,
6. Provide technical and professional support for the Executive Board regarding governance of members and membership in WCCLS,

7. Encourage and provide a forum for positive and timely communication among library directors and staff to continuously evaluate and improve library services to county residents,
8. Develop recommendations for long term funding needs and strategies for the Executive Board,
9. Provide technical and professional support for the Executive Board regarding supplemental funding strategies for countywide library services,
10. Keep abreast of library trends and developments; evaluate and recommend service implementation changes as needed to the Cooperative Library Services Manager.

C. Schedule of Meetings

The Policy Group at its first organizational meeting or as soon thereafter as reasonable, shall adopt rules governing its procedures, and include at a minimum: 1) time and place of regular meetings; 2) method and manner of calling special meetings; 3) method of establishing committees or sub-committees; and 4) Policy Board by-laws and rules of procedure. The Policy Group shall meet monthly or as needed to execute its duties and responsibilities. The first organizational meeting shall be a joint meeting with the WCCLS Executive Board and thereafter a joint meeting of the two boards shall be held annually. All meetings of the Policy Group and the Executive Board shall be held in accordance with Oregon Public Meeting Laws, ORS 192.610 to 192.710.

D. Election of Officers

The Policy Group at its first organizational meeting or as soon thereafter as reasonable, shall elect a Chair and Vice Chair/Chair Elect. The term of the officers shall be for one year, with elections held at the Policy Group's annual meeting. The Chair, or the Vice Chair/Chair Elect in his/her absence, shall preside over all meetings of the Policy Group. The Cooperative Library Services Manager (or designee) shall serve as Clerk of the Board and be responsible for providing notices of meetings and keeping minutes, as required by Oregon Public Meeting Laws.

E. Quorum

A majority of the Members of the Policy Group shall constitute a quorum. All decisions of the Group, unless otherwise provided herein, shall require the presence of a quorum and a majority vote of those representatives in attendance. No recommendation regarding a formula for allocating county funds through the Public Library Services Agreement shall be forwarded to the Executive Board unless it receives the votes of a majority of the Members of the Policy Group.

F. Voting

Each voting Member of the Policy Group shall have one vote. Under circumstances when a Member cannot attend, he/she may, prior to the meeting, submit a vote to the Chair on a specific issue under signature in writing or by email that clearly identifies the sender.

G. Adding or subtracting members

Member representatives shall be added to the Policy Group, as needed, to represent new library service providers admitted to WCCLS through the Public Library Services Agreement. Member representatives shall be subtracted from the Policy Group at such time as a library service provider withdraws from membership in WCCLS and ceases to be a party to the PLSA, or when a city assumes management and fiscal responsibilities for operating a community library, or when two or more library service providers merge into one administrative entity. A library that changes its governance (EX: a city library becomes a community library, or a city or community library establishes a library district) retains its membership on the Policy Group.

6. AMENDMENTS

All changes, modifications, or amendments to this Agreement shall only be considered upon approval of three fourths (3/4) of the Member representatives of the Executive Board. Following a recommendation from the Executive Board, this Agreement may be changed, modified, or amended only in writing and upon approval of all of the parties to this Agreement.

7. SEVERABILITY

The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part, shall not affect the remainder of the Agreement.

8. INTERPRETATION

The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of this Agreement.

9. TERMINATION

This Agreement may be terminated only pursuant to the following:

- A. This Agreement shall terminate as to any individual party upon that party ceasing to be a party to the Public Library Services Agreement (PLSA) dated 1/20/04.
- B. This Agreement shall terminate in its entirety, as to all parties, upon execution of a declaration signed by three-fourths (3/4) of all parties to this Agreement terminating its effectiveness.

10. COMPLIANCE WITH LAWS

Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services and activities provided under this Agreement.

11. LIABILITY AND INDEMNIFICATION

Notwithstanding that actions by some or all of the parties to this Agreement may be undertaken on behalf of the others, each party agrees to be responsible for the consequences of any wrongful acts of the party's employee as they affect any other party or a person not a party to this Agreement. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to indemnify the other parties and each of them, and hold each and all harmless from any and all claims, actions or suits arising out of a wrongful act of the first party's employee done in the course and scope of this Agreement.

12. NO BENEFITS

No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

13. NOTICE

Any Contractor shall give immediate written notice to the County of any action or suit filed or any claim made against that party that may result in litigation and is directly related to this Agreement.

14. INSURANCE

Each party agrees to maintain insurance levels, or self-insurance in accordance with ORS 30.282, for the duration of this agreement at levels necessary to protect against public body liability as specified in ORS 30.270. Contractors which are community libraries shall provide certification of insurance upon request.

15. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

16. CAPTIONS

Captions and headings used in this Agreement are for convenience only and shall not be construed or interpreted so as to enlarge or diminish the rights or obligations of the parties hereto.

FOR THE CONTRACTOR:

Signature

Title

Date

FOR WASHINGTON COUNTY:

Signature

Title

Washington County

APPROVED AS TO FORM:

Sr. Assistant County Counsel

Agenda Item No. 3.1
For Agenda of 12.13.05



Tigard City Council Meeting Minutes

Date: November 8, 2005
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff
Absent: --

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Discuss Legal Services Request for Proposals Review Process	Interim Finance Director Indieke and Buyer Joe Barrett reviewed the number of proposals received and evaluation matrix criteria with the City Council. City Council consensus was to have City staff participate in the interviews. All firms that submitted applications will be interviewed.	Interviews will take place at 5 p.m. on Tuesday, November 15, prior to the CCDA and Council meetings. The CCDA meeting will start at 7 p.m. with the Council meeting following the CCDA meeting.
Study Session Discuss Increasing the Number of Citizen-At-Large Members Serving on the Tree Board	City Forester Matt Stine facilitated the discussion. Tree Board members present: Robert Cancelosi, Jim Bray, Janet Gillis, and Rob Callan. Tree Board Chair Gillis reviewed the request to increase the number of Tree Board members.	Council members agreed to the proposal. This item will be before the Council at its November 22 City Council meeting on the Consent Agenda.

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>Study Session</p> <p>Discuss Amendments to Chapters 18.745 and 18.790, Landscaping and Screening, and Tree Removal, of the Tigard Municipal Code</p>	<p>City Forester Stine and Tree Board members presented information to the City Council. Council indicated support modifications to the Code; however, concerns were noted by the Council with regard to limiting plantings to native trees.</p> <p>The goal of Tree Board was to remedy situations where developers are required to plant trees, but after 10-plus years, these trees are not doing well; there is no canopy. Parking lot landscaping regulations need attention. Also plantings of invasive plant species have turned into a problem; "exotics" have been getting into natural areas.</p> <p>There was a suggestion that rather than a list of approved tree plantings, that a list of prohibited plant species be identified or a guideline recommending a percentage of native plantings be included in landscaping plans.</p>	<p>After discussion Council and Tree Board members agreed more work is needed. Councilor Wilson and Interim Community Development Director Coffee agreed to be involved in working on this matter with the Tree Board.</p>
<p>Study Session</p>	<p>> ADMINISTRATIVE ITEMS</p> <p><input checked="" type="checkbox"/> An insert will be placed in the next Cityscape regarding Urban Renewal.</p>	<p>Report/no action.</p>
	<p><input checked="" type="checkbox"/> November 29 is Fifth Tuesday. Next Fifth Tuesday will be January 31.</p>	<p>Since these two occurrences of a Fifth Tuesday are so close together, the City Council decided to cancel the November 29 meeting.</p> <p>Staff will post a notice on the web site noting the change.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Continued – Administrative Items	<input checked="" type="checkbox"/> Krista Foltz, Tigard High School Envoy was unable to attend the meeting. Jillian Walker presented the report to the City Council.	See Item 2 below.
	<input checked="" type="checkbox"/> Council discussed setting a date for the January 2006 goal-setting meeting.	Council agreed to meet January 6, noon-5 p.m.
	<input checked="" type="checkbox"/> Select date to schedule a discussion on annexation policy.	Council agreed to have discussion on annexation policy during the January 15 workshop meeting.
	<input checked="" type="checkbox"/> Urban Renewal Presentations to Taxing Districts Meeting with TVR&R is scheduled for November 15, 7 p.m., which is during a City Council meeting. Meeting with County Board of Commissioners at 2 p.m. on November 22.	Staff will attend. No City Council member will attend since this is at the same time as a City Council meeting. Councilor Sherwood will attend with staff.
	<input checked="" type="checkbox"/> Discuss Downtown Task Force Membership and City Center Advisory Commission The Council discussed roles of the CCAC and the Downtown Task Force. The CCAC is required and its role defined as part of the City Charter and urban renewal plan process. Now that the Downtown Plan is complete, Council members will contact Task Force members to determine whether Task Force members, who are not serving on the CCAC, would be willing to serve on subcommittees to be formed for the urban renewal effort.	Council members will contact members of the Downtown Task Force and the CCAC to discuss roles and process.

Agenda Item	Discussion & Comments	Action Items (follow up)
Executive Session	The Tigard City Council went into Executive Session at 7:20 p.m. under ORS 192.660 (2) (e) and (h) regarding a real estate transaction and to consult with Legal Counsel about litigation likely to be filed.	There was discussion of litigation issue only because of time constraints. Executive Session recessed and continued after the end of the Business Meeting.
1. Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:36 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>Councilor Harding reported on a recent meeting of the Tualatin Basin Natural Resources Committee. She referred to a potential Metro bond measure. Additional discussion will be held at the next meeting on December 12, 2005.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items - None</p>	
2. Citizen Communication	<ul style="list-style-type: none"> ○ Tigard High School Student Envoy Krista Foltz was unable to attend. Jillian Walker presented the report and a copy of the highlights of THS activity last month is on file in the City Recorder's office. 	Report/no action.
	<ul style="list-style-type: none"> ○ Follow Up to Previous Citizen Communication – No follow up. 	No action.

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Consent Agenda	3.1 Approve Council Minutes for September 20 and 27, 2005	<p>Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve the Consent Agenda as presented.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
	3.2 Receive and File: a. Council Calendar b. Council Meeting Tentative Agenda	Received
	3.3 Approve Budget Amendment #6 – Increase Appropriations for Mayor and Council Budget – Funding of Branding and Facilitator Contracts RESOLUTION NO. 05-66 – A RESOLUTION APPROVING BUDGET AMENDMENT #6 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE MAYOR AND COUNCIL BUDGET FOR THE FUNDING OF THE BRANDING AND FACILITATOR CONTRACTS	Approved
	3.4 Approve Amendment to IGA with Washington County for Administration of the Urban Area Security Initiative Grant Program	Approved

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Consent Agenda continued	3.5 Local Contract Review Board a. Award Contract for the Tigard Down- town Comprehensive Streetscape Project Design Services to OTAK, Inc.	Approved
4. Update – Youth Advisory Council and Tigard Turns the Tide	YAC Vice President Lindsey Boyce and Treasurer Alexander Carsh presented their report to the City Council. Highlights included: <ul style="list-style-type: none"> ○ Several YAC members attended leadership training recently. ○ YAC is sponsoring a dinner followed by a time for crafts at the Good Neighbor Center on December 3. ○ Third annual blanket drive is underway, now until December 2. ○ With assistance from City of Tigard Web Administrator Soares, the YAC has posted a web site and keeps it updated. ○ Reviewed a recent Washington County Youth Summit where the topic was tobacco, drug and alcohol abuse. Participants are working on a project. ○ Tickets were sold to a Meier & Frank Shopping Day, which benefited charities. ○ Participated in a Tigard High School Club Rush. YAC received responses to surveys and also were able to recruit some new members. ○ YAC is sponsoring a Youth Summit on March 16, 2006. Theme is <i>Get a Voice, Be Heard.</i> ○ YAC has 15 active members ○ Meetings are held on 1st and 3rd Wednesdays at the Water Building, 6 p.m. 	Report/No action

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>5. Amend TMC Chapter 7.40, Nuisances – Relating to Construction Noise Hours</p>	<p>Building Official Lampella presented the staff report.</p> <p>During discussion Councilor Harding suggested the exceptions be limited to six days a week rather than the recommended seven days per week. Discussion followed. Those City Council members who expressed support stated they were doing so because it would be easier to enforce (consistency) and the fact that some reduction in the length of time for noise was proposed.</p> <p>ORDINANCE NO. 05-14 – AMENDING SECTION 7.40.180 OF THE TIGARD MUNICIPAL CODE FOR EXCEPTION TO PERMITTED NOISE.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Ordinance No. 04-14.</p> <p>The motion was approved by a majority vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding No Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
<p>6. Amend TMC Chapter 3.24, Systems Development Charges, Relating to Assessments</p>	<p>Building Official Lampella presented the staff report. He reviewed the history of this item noting the controversy about when to assess fees for system development charges (SDCs): at the time of permit application or at the time of permit issuance. Staff reviewed the issue and found that almost all surrounding jurisdictions collect SDC fees based on the date of application.</p> <p>At the August 16, 2005, Council workshop, staff reviewed this matter with the City Council. The Council reviewed the information staff prepared regarding planning and building fee assessment practices by neighboring jurisdictions. At this meeting, City Council directed staff to submit an ordinance to the City Council amending the Tigard Municipal Code specifying that City system development charges, based on a land use permit or building permit, will be assessed the rate in effect at the time of application.</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Ordinance No. 05-15.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)										
6. Amend TMC Chapter 3.24, Systems Development Charges, Relating to Assessments Continued	<p>The Homebuilders Association supports the proposed amendment.</p> <p>ORDINANCE NO. 05-15 – AMENDING SECTION 3.24.090 OF THE TIGARD MUNICIPAL CODE CLARIFYING THAT CITY SYSTEM DEVELOPMENT CHARGES ARE ASSESSED BASED ON THE FEE IN EFFECT AT THE TIME OF PERMIT APPLICATION.</p>											
7. Add Chapter 9.08 to TMC, Heritage Trees	<p>City Forester Stine and Tree Board Chair Gillis presented the staff report. Chair Gillis described the Heritage Tree Program, which was created by the Tree Board to identify and bring public awareness to very large and old trees within the City limits. Heritage Trees should be distinguished and will be subject to review and approval by the Tree Board and City Council.</p> <p>There is a requirement that a permit must be obtained for removal of a Heritage Tree. It was suggested that if a Heritage Tree is diseased or damaged, that the cost of the removal permit be nominal; i.e., \$1. Provisions for tree removal were reviewed. The City Forester would issue the removal permit and no fee is involved. Funds for this program are will become part of the function of the urban forestry division and budget. City Forester Stine confirmed that a press release on this program would be submitted if the City Council adopted the proposed ordinance.</p> <p>ORDINANCE NO. 05-16 – AN ORDINANCE ADDING A NEW CHAPTER 9.08 TO THE TIGARD MUNICIPAL CODE TO ADOPT THE HERITAGE TREE PROGRAM.</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Ordinance No. 05-16.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											

Agenda Item	Discussion & Comments	Action Items (follow up)
8. Conveyance of an Access Easement to the Fields' Property	<p>City Engineer Duenas presented the staff report to the City Council. The issue before the City Council was whether to approve a conveyance of an access easement through the library property following along the Wall Street alignment to provide access to the Fields' property adjacent and to the east of the library site.</p> <p>Council discussed this matter with City Engineer Duenas. Issues included:</p> <ul style="list-style-type: none"> ○ Prior agreement with Mr. Fields to provide reasonable access to his property. ○ City's plans to build Wall Street adjacent to library property and also to increase size of the library parking lot. ○ Preservation of a potential alignment for Wall Street. ○ Councilor Sherwood and Councilor Woodruff indicated support if this satisfies the legal obligation to Mr. Fields. ○ Councilor Harding expressing concerns that she did not have sufficient information to make a decision on this matter. 	<p>Motion by Mayor Dirksen, seconded by Councilor Sherwood, to approve conveyance of access easement.</p> <p>The motion was approved by a majority vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding No Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
	<p>Business meeting concluded at 8:36 p.m. followed by an *Executive Session and review of Study Session items.</p> <p>*See notation on Executive Session on Page 4.</p>	
12. Adjournment	Meeting adjourned at 10 p.m.	

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

\\admtcalhy\ccm\2005\051108\recap.doc



Tigard City Council Meeting Minutes

Date: November 15, 2005
Time: 5:03 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff
Absent: --

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates	<p>Buyer Barrett reviewed process with the City Council, including evaluation criteria and how the interviews will be conducted.</p> <p>Council and several Executive Staff members interviewed representatives of the following firms that submitted proposals to provide the City of Tigard with general legal services. Presentation materials were presented to the City Council and staff prior to the meeting.</p> <ul style="list-style-type: none">○ Ramis, Crew, Corrigan LLP <p>Presenters were: Tim Ramis, Chuck Corrigan and Gary Firestone.</p> <p>Mr. Ramis overviewed the philosophy for service to a municipality and types of services provided by his firm. He noted how the partners and staff in the firm keep each other informed about projects and case updates. He said he knows it is clear that the lawyers are not the policy makers; rather, their objective is to give legal advice and identify options and risk so a rational</p>	<p>Council and staff will complete evaluation forms. Further discussion will take place in Executive Session on November 22, 2005, (ORS 192.660 (2)(a))</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates Continued	<p>decision can be made.</p> <p>Mr. Ramis advised of efforts by the firm to promote cost containment, which include having City staff do first drafts of documents and then submit for a review by one of the attorneys. He noted that over the past ten years the trend has been to reduce the number of hours of legal services provided.</p> <p>Mr. Ramis said that he views legal services as a capital investment and referred to building a legal infrastructure with a systemic approach rather than dealing with issues on a case-by-case basis.</p> <p>Mr. Ramis responded to questions by the interview panel; highlights of his responses follow:</p> <ul style="list-style-type: none"> • Expectations for turn around are established at the initial contact. • The legal question is turned over to the lawyer who has the expertise for the issue under review. • Members of his firm meet weekly to determine assignment status, whether more follow up is needed, or if this is a deeper issue. • Efforts are made to have legal staff available or to have coverage to provide service. • Attorneys meet quarterly with the City Manager to determine if needs are being met. • Preventive initiatives exercised early to avoid litigation. • Address issues early: prepare good findings (land use), raise a caution flag for procedural practices if needed, assess and advise on risk, track changes 	

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates Continued	<p>in the Code to respond to challenges, keep the Code up to date.</p> <ul style="list-style-type: none"> • Noted successes in litigation: Rogers Machinery, Martin case, and Media Arts. • If Ramis' firm is selected as the City's legal counsel, the firm will undertake a legal audit of the Tigard Code, at their expense, to determine what changes should be implemented. • Legal staff also would train City staff on issues of concern. • Discussed review of case law and new legislation to keep current. • Suggested codifying additional procedures; i.e., elections. • Annexation process in 2004 did not go well. Mr. Ramis said he what he learned from this was to be more proactive in communications with the other lawyer and, while this had been reviewed by many lawyers, they should have looked at the statute one more time. • Costs will continue to increase; cost containment efforts will include efficiency and charge a competitive rate. • Noted that his firm has seldom lost cases on procedural grounds; rather, they have often won cases because procedures were followed. • Referred to alternative forms of resolution of issues, including mediation. <p>○ Schulte, Anderson, Downes, Aronson & Bittner P.C.</p> <p>Presenters were Robert Schulhof and Lee Aronson</p> <ul style="list-style-type: none"> • Mr. Aronson reviewed his background; 	

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates Continued	<p>municipal experience related to insurance issues.</p> <ul style="list-style-type: none"> • Mr. Schulhof's background included US Navy Judge Advocate General (JAG) Corps and public service as a Deputy District Attorney. He currently represents clients in product liability litigation, construction defect defense, and real estate matters. While serving in the JAG Corps, he performed many of the same functions as that of a city attorney while working as the Senior Attorney for Naval Station Pearl Harbor Hawaii. • Mr. Schulhof would be the primary attorney for day-to-day account management. • Reviewed the expertise of the lawyers on staff including real property, tort, and corporate/commercial litigation. • Firm is small which means they can "shift people around quickly." • Described their approach to providing service for long-term and short-term legal questions/review. • Risk management would be accomplished by knowing what's going on in City government and developing a relationship with their client. • The attorney is not the "no" man; his mission is to talk about what can be done at the outset. • Stressed importance of basic relationships, communication, and being proactive. • They would be comfortable working with outside counsel. • They would work with the City to determine how the City wants to work with them; how to coordinate on an issue. • Stressed flexibility; noting they can deal 	

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates Continued	<p>with a variety of issues.</p> <ul style="list-style-type: none"> • They like what they do and value the client relationship; they like a challenge; responsibility would be shared within the firm. • They do not serve as attorneys for any other Oregon cities. • They have not worked for any local government or special districts except in a litigation context. • They would need to get up to speed on non-litigation issues "on our [their] dime." • If awarded the contact, they would need to work the next two months to "gear up" by meeting with staff. They would need to become familiar with land use issues. • They have been monitoring Measure 37 issues. • They do not foresee seeking outside counsel. The City would utilize other firms for labor matters and bond counsel. • Discussed how litigation can be avoided through negotiation. Most of their cases (90 percent) are resolved before litigation. Litigation is a poor way resolve problems. • Reviewed their experience relating to insurance and municipalities. <p>○ Harrang, Long, Gary, Rudnick, P.C.</p> <p>Present: Jillian Bruce. (Note: a second presenter from this firm planned to attend from their Eugene office, but canceled due to vehicle problems encountered on the way to this meeting.)</p> <ul style="list-style-type: none"> • Firm has been in existence for 50 years. • Firm has a strong public law presence 	

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates Continued	<p>with 41 lawyers working on public matters.</p> <ul style="list-style-type: none"> • Offices are located in Portland, Eugene and Salem. • Clients include other municipalities as well as private clients. The firm will not take on a client that would represent a conflict. • There is also an employment and labor group in the firm. • Described how they would respond to things that happen quickly including "Council-day dilemmas." • They put the right person on a problem and they will be responsible, available, and have the needed expertise. • Will follow the City Council's tone regarding how they want to interact with the community. They are aware of political pressures. • They will keep the "big picture" in mind. • Reviewed public clients: Housing Authority, Bend, and Salem. • She would be immediately available to the City and referred to experience with development and urban renewal. • The challenges for her firm would include water law and bond counsel and she said she did not see her firm getting into these areas. • Described how her firm conducted their business through a team approach and physical presence. • To familiarize themselves with the City of Tigard, the firm would develop relationships with staff. They would review the City's budget and Council goals. They would meet with department heads to determine what the issues are. • They are used to working with outside 	

Agenda Item	Discussion & Comments	Action Items (follow up)
Special Meeting General Legal Counsel Candidates Continued	<p>Counsel.</p> <ul style="list-style-type: none"> • They would work in an efficient, flexible manner. • They would update project lists weekly. • Reviewed procedures to help the City manage legal costs: develop templates for contracts, make suggestions to staff, and make sure they know what is being asked: Is it a request for a full legal analysis or a simple review? They have staff within their firm to do research at a lower rate. • She reviewed her service as co-counsel for the City of Hillsboro. 	
Adjournment	6:55 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
CCDA Meeting Status of the Urban Renewal Plan	Following the Legal Counsel interviews, the City Center Development Agency meeting was called to order at 7:07 p.m. (Separate minutes for the CCDA meeting were prepared.)	

Agenda Item	Discussion & Comments	Action Items (follow up)
Workshop Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:20 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports: None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>	
2. Update on Potential Financial-Related Ballot Measures – Other Jurisdictions	This item was not discussed.	Continued to December 13, 2005 (City Recorder's note: After a staff review of tentative Council meeting agendas, this item is now scheduled for the Study Session on December 20, 2005.)
3. Update – Insurance Coverage and Marketing	Risk Manager Mills and Agent of Record Cutter reviewed current insurance coverage and ongoing market negotiations. The City currently participates in the City/County Insurance Services program.	
4. Discussion – Police Accreditation	Police Chief Dickinson presented information on accreditation. The Police Department enjoys the status of being professionally accredited; however, some cities are now questioning the benefit when considering the costs of maintaining accreditation. Accreditation must be reviewed and renewed on a three-year basis. The Police Department is in favor of accreditation, but understands fiscal realities for costs/benefits.	After discussion City Council consensus was for the Police Chief to poll the police staff to determine if they support accreditation. The City Council would also like to hear from the staff why they would support accreditation.

Agenda Item	Discussion & Comments	Action Items (follow up)
4. Discussion – Police Accreditation Continued	Police Chief reviewed state and national accreditation programs. He also presented information on a service provided by Lexipol.	
5. Discussion – Branding/ Logo Design	Assistant to the City Manager Newton and Consultant Marcusen reviewed refined logo option designs based on previous City Council feedback. Council members further narrowed their design preferences. Consultant Marcusen will return with visual examples showing how the final designs appear when applied to signs, stationery, city vehicles, etc.	Determine if time is available on the City Council Agenda for December 13, 2005, to continue the discussion on the logo design.
6. Executive Session	The Tigard City Council went into Executive Session at 8:57 p.m. to discuss real property transactions and to discuss current or potential litigation. Executive Session concluded at 10:00 p.m. and Mayor Dirksen reconvened the City Council in open session.	Direction was given to staff regarding real property negotiations.
Council consideration of new staffing position.	Council considered the request to create a mid-year position in the Police Department for a new program assistant.	The request was declined by a Council consensus.
Adjournment	10:03 p.m.	

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

\\admtcalhy\ccm\2005\051115.doc



Agenda Item No. 3.1
For Agenda of 12.13.05

Tigard City Council Meeting Minutes

Date: November 22, 2005
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding (arrived at 6:36 p.m.)
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff
Absent: --

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Administrative Items	<p><input checked="" type="checkbox"/> Oregon Consensus Program – City Manager Prosser reported that funding has been provided for this program to facilitate a discussion between the City of Tigard and Bull Mountain residents. Mayor Dirksen noted the City should take this opportunity provided the City is comfortable with the agenda and “how it is put together.”</p> <p><input checked="" type="checkbox"/> New Signal Ribbon Cutting – 12/14, 10:30 a.m.</p> <p><i>Business Meeting Information</i></p> <p><input checked="" type="checkbox"/> No Chamber of Commerce Representative will be present tonight. President Pam Brown will update the City Council on Chamber activities on December 20, 2005.</p> <p><input checked="" type="checkbox"/> Agenda Item No. 4 regarding the Downtown Task Force was added to the agenda and noted in the material sent to the Council in the Friday mailing.</p> <p><input checked="" type="checkbox"/> City Council and staff reviewed the process for the Urban Renewal Hearing. Revisions to the Plan were distributed to the City Council. City Attorney Ramis reviewed available options for consideration of the proposed ordinance and resolution. The meeting that was scheduled to</p>	<p>Consensus of Council was to proceed with participation in the Oregon Consensus Program proposal.</p> <p>Councilors Woodruff and Sherwood indicated they could attend.</p> <p>See Agenda Item No. 6 – Public Hearing</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Administrative Items Continued	<p>take place with the Washington County Board of Commissioners earlier today to review tax increment financing was postponed to December 13, 2005. City Attorney Ramis outlined options for the City Council to consider, including delaying the effective date of the ordinance. City Attorney Ramis advised the City Council that care must be taken to meet all requirements regarding the Urban Renewal Plan.</p> <p>☒ City Council and staff reviewed the process for the Sunrise Annexation Hearing. City Attorney Ramis advised the lawyer for the applicant and the lawyer for opponents to the annexation have made requests regarding reopening the hearing and allowing testimony on limited issues. Each lawyer submitted a suggestion for a timeline for submittal of arguments and rebuttal. Mayor Dirksen noted that he would recommend the timeline that allowed for the longer period of time.</p>	See Agenda Item No. 8 – Public Hearing.
	<ul style="list-style-type: none"> EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:44 p.m. under ORS 192.660 (2) (a) and (e), employment of public officers, employees, & agents, and real estate property transaction negotiations. <p>Executive Session concluded at 7:08 p.m.</p>	Staff shall proceed as directed by City Council regarding process for a general legal services contract and negotiation on a real property transaction.
Study Session – Process Discussion for Council Goal Setting in January Study Session –	Council members discussed location and information needed for its goal-setting discussion scheduled for January 6, 2006.	<p>City Manager Prosser will attend the goal-setting meeting.</p> <p>Staff will check on availability of the Water Auditorium or the Chamber of Commerce Conference Room (check cost) as a back-up meeting site in the event more room is needed to accommodate public</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
Process Discussion for Council Goal Setting in January		<p>attendance.</p> <p>Staff will provide a PowerPoint slide projector, overhead projector, flip charts, etc.</p> <p>Staff will provide a one-page summary for each goal noting the progress made in 2005 and what carryover activities are planned for 2006. Boards and committees will be asked to submit written comments.</p>
	Council meeting recessed: 7:16 p.m.	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports: None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>	
2. Citizen Communication	<p>☒ Skate Park Chair Rich Carlson introduced Bob Wayt of Verizon. Mr. Carlson advised that Verizon was the first Platinum donor to the Tigard Skate Park – Verizon contributed \$10,000. Mr. Wayt talked of Verizon's investments in the City of Tigard and said that the skate park will be a great addition to the City and offer a healthy activity for youth.</p> <p>Mr. Carlson also recognized the following businesses that have contributed generously to</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>Citizen Communication continued.</p>	<p>the Skate Park:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> GI Joes <input checked="" type="checkbox"/> Hoffman Construction <input checked="" type="checkbox"/> Landmark Ford <p>Council members expressed their thanks to Mr. Wayt.</p> <p>2005 League of Oregon Cities Good Governance Award. Mayor Dirksen announced that the City of Tigard received the League of Oregon Cities Good Governance Award in recognition of its Downtown Plan. The Mayor acknowledged the reason for this award was because of the Downtown Task Force's work on citizen involvement.</p>	
<p>3. Consent Agenda</p>	<p>3.1 Approve Council Minutes for October 11, 18, and 25, 2005</p> <p>3.2 Approve an Amendment to Resolution No. 01-02 Increasing the Number of Citizen-At-Large Members on the Tigard Tree Board – Resolution No. 05 – 67:</p> <p>A RESOLUTION OF TIGARD CITY COUNCIL AMENDING RESOLUTION NO. 01-02 TO INCREASE THE MAXIMUM NUMBER OF CITIZEN-AT-LARGE MEMBERS AND DECREASE THE NUMBER OF PLANNING COMMISSION MEMBERS ON THE TREE BOARD</p>	<p>Motion by Councilor Wilson, seconded by Councilor Harding, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>
<p>4. Downtown Task Force Recognition – Resolution</p>	<p>Long-Range Associate Planner Beth St. Amand presented the staff report. All Task Force Members were commended for their work in completing the work program. Task Force members present were recognized and presented with a certificate. The Mayor and Council expressed their appreciation for the tremendous amount of work completed by the Task Force. The Mayor noted an 18-month commitment to study the commuter rail station in downtown turned into a 3-year commitment when the Task Force members were asked to prepare a plan for the entire downtown area. The Mayor said this was the</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 05-68.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
4. Downtown Task Force Recognition - Resolution Continued	<p>best outreach group he has ever had the privilege to work with.</p> <p>Council considered Resolution No. 05-68:</p> <p>A RESOLUTION TO COMMEND THE DOWNTOWN TASK FORCE FOR COMPLETING ITS WORK PROGRAM AND TO END ITS TERM OF SERVICE</p>	<p>Councilor Wilson Yes Councilor Woodruff Yes</p>
5. Annual Police Report	<p>Chief Dickinson provided Council with the annual update on crime trends and Department initiatives. A copy of the PowerPoint presentation reviewed with the City Council is on file in the City Recorder's office.</p> <p>Council members thanked the Chief for the excellent presentation.</p>	
6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title	<p>City Attorney Ramis reviewed the rules of procedure. A copy of his remarks is on file in the City Recorder's office.</p> <p>Mayor Dirksen opened the public hearing.</p> <p>City Attorney Ramis asked for declarations or challenges. In response to the question as to whether any City Council member had viewed the site or had ex parte contact, Mayor Dirksen said it was difficult to know how to respond. All of the City Council has been intimately involved in the discussions regarding the Downtown Plan and the Urban Renewal District. These have been public meetings and are part of the public record. In response to the question from City Attorney Ramis whether this was the experience of all the Council members, all members indicated affirmatively. City Attorney Ramis said this was an adequate disclosure unless there are questions from others.</p> <p>City Attorney Ramis asked whether any City Council member felt he or she could not judge this matter impartially. All City Council members indicated they would judge the matter impartially.</p> <p>Associate Planner Roberts presented the staff report:</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Ordinance No. 05-17, with the amendments recommended by the CCAC.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding *Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p> <p>*Councilor Harding advised her vote is a "yes"; however, she would be open and amenable to amendments. When this was discussed last spring she was opting for a November election; however, she will support.</p> <p>Councilor Woodruff requested that the draft</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<ul style="list-style-type: none"> • In May, after reactivating the City Center Development Agency (CCDA) and the City Center Advisory Commission (CCAC), City Council directed the Commission to prepare a draft Urban Renewal Plan for revitalizing the Tigard downtown area. • In October, the Commission completed the draft plan along with a state-required Urban Renewal Report, which is a separate, stand-alone document that functions as a technical appendix to the Plan. The CCAC was assisted in the work by Jeff Tashman and his consultant team. • The completed Plan includes a list of goals and objectives, as well as a list of projects, all taken from the Tigard Downtown Improvement Plan. • The Plan also includes land acquisition policies, which explicitly exclude the use of eminent domain for private development. Any acquisition of property for private use under the Plan would be voluntary. • A major feature of the Plan is that it calls for the use of tax increment financing, a financial mechanism. • On October 18, the City Council reviewed the Plan and Report and referred these documents to the Planning Commission for recommendations. • The Planning Commission conducted an Urban Renewal public hearing on October 31. At the conclusion of the hearing, a majority of the Planning Commission members voted to forward the Plan to Council with a favorable recommendation. • Tonight the City Council is conducting a single hearing dealing with both Urban Renewal Plan adoption and the proposed Urban Renewal Ballot Title and accompanying explanation. • The applicable review criteria for the Plan are the City's Comprehensive Plan policies and Chapter 457 of the Oregon Revised Statutes. • Staff concludes that the Urban Renewal Plan meets all applicable Comprehensive Plan criteria because the City and Planning 	<p>resolution for the ballot title present options for the wording on the "Question," and suggested less emphasis be placed on transportation in at least one of the options.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>Commission followed an open public process in developing the Plan. Adoption of the Plan will not amend the Comprehensive Plan or Development Code provisions. All development under the Plan will be subject to review under existing regulations. ORS 457 criteria deal with findings that rehabilitation is necessary; the Urban Renewal Plan conforms to the Comprehensive Plan; and the Plan includes provisions addressing displacement. The Plan meets all ORS 457 criteria.</p> <ul style="list-style-type: none"> • The City has met all applicable notice requirements, which includes mailing of notices of tonight's meeting to 13,200 unduplicated property owners within the City. • The City Attorney has reviewed the Plan and has determined that it meets all applicable criteria and could be approved. • City Council is required to consider written recommendations of the tax districts that levy property taxes within the proposed urban renewal district. So far, no comments have been received. • The City is required by Statute to meet with the County to review the maximum amount of indebtedness under the Plan. The meeting is scheduled to take place on December 13, 2005. <p>Public testimony:</p> <p>Proponents</p> <ul style="list-style-type: none"> • Mike Marr, 12420 SW Main Street, Tigard, Oregon 97223, advised he was a member of the City Center Advisory Commission. He introduced members of the CCAC: Jim Andrews, Carolyn Barkley, Gretchen Buehner, Marland Henderson, Lily Lilly, Roger Potthoff, and Alternate CCAC member Alexander Craghead. Also present are consultants Jeff Tashman, Tina Mosca, and Jim Rapp. <p>The CCAC submits, for the public record, its support for the Urban Renewal for the purpose of improving downtown Tigard. Should City Council have any questions, the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>CCAC will be present to address them.</p> <ul style="list-style-type: none"> Gretchen Buehner, 13249 SW 136th Place, Tigard, OR 97223, advised she was a member of the CCAC, but was testifying as an individual. She supports the Urban Renewal Plan, but wanted to speak to the City Council about a subject that was closely related to the Urban Renewal Plan and was a critical element: the proposed improvements of the intersection of 99W and Hall. Washington County is moving forward with that proposed development and will be starting engineering shortly after the first of the year. <p>How this intersection is reworked will have an effect on the proposed Urban Renewal District Plan. The proposal will add a lane heading north along Hall, a lane coming south (Hall), and will add an additional lane on 99W from Main Street to 217. One of the issues is that, while this might improve transportation, it will have a negative impact on pedestrian access within this area. This is an issue she thinks the City should be concerned about. She requested the City Council take action this evening because of the timeline. She said the City needs to get input to the County as soon as possible. Once engineering is done, it will be too late to send input.</p> <p>Tigard should have a voice in determining right-of-way needs. She referred to property that will be taken for the Hall/99W intersection (used to be 99 Towing and a bar to the west). Ms. Buehner said she thinks the City needs to look at having a median in the middle of 99 at that intersection to make pedestrian crossing legitimately accessible, because the City will be looking at doing development across both sides of the street. A median will impact the amount of right of way that will be necessary to acquire on the south side of 99W. She also suggested a median on Hall Boulevard now that there are</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>going to be this many more lanes. Again, this will impact the amount of right of way that will need to be acquired on both sides.</p> <p>She also asked the City Council instruct staff to look into the possibility of implementing a special transportation area along Hall Boulevard. She said this is a policy available under the Oregon Transportation Rules which allows for variation from standard rules on major arterials and collectors through business areas. She requested more research be done and that the City Council direct staff (City Engineer and Community Development Director) to work with Washington County to determine what could be done to make the final engineering give the options she described. She referred to STA areas to be included in the improvement plan.</p> <p>Mayor Dirksen requested that Interim Community Development Director Coffee comment on Ms. Buehner's suggestions after the remaining testimony is received.</p> <ul style="list-style-type: none"> • Gary Jelinek, 12840 SW Blue Heron Place, Tigard, OR 97223, said he has a Masters Degree in Urban Studies and is the House District 35 Leader and Campaign Chair for the Democratic Party of Washington County. He said it was his opinion that the Highway 99 improvement plan must precede the urban renewal of downtown Tigard. The Plan should not be presented to the voters until a clear, coordinated, and assured plan is developed among all government, citizen, and private interest to improve Hwy 99. The improvement of 99 must meet the basic needs of improving traffic flow past Tigard's downtown and it must also include major improvements, enhancements and efficiencies to attract users of 99 into downtown by creating easy entry and exit to downtown Tigard via Hwy 99. A most basic attraction might be to include on/off westbound ramps 	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>on the northwest side of Hwy 99, tying into SW Tigard Street. Such an entry and exit would end the current cross-over of traffic entering or leaving downtown for those traveling in a westbound direction on 99. If such improvement of 99 is not scheduled prior to consideration of the Urban Renewal Plan for downtown Tigard, the Urban Renewal Plan will fail because no matter how much street, bike lane, and pedestrian facilities are added, the difficulty of getting into and out of downtown will remain as daunting as it is today.</p> <p>He summarized by saying, “Don’t put the cart before the horse.” The 99 plan must be developed by working and coordinating with Washington County, Oregon Department of Transportation, and Congressman Wu’s office. Tigard must be at the table leading the discussion and development of the 99 plan. Doing so will ensure that any renewal planning concept for downtown Tigard could have a fighting chance of success.</p> <p>Councilor Wilson responded that about eight years ago, he served on the Task Force for the Transportation System Plan update. At that time, the entire City’s transportation system plan (TSP) was reviewed. Hwy. 99 was the big problem, which everyone recognized. Addressing Hwy 99 was also one of the Council goals this year along with addressing downtown and growth. The TSP notes that the system is much the same as a Rubik’s cube; that is, if you change one item, a problem is caused somewhere else – it’s a complicated problem. Even if \$200 million was spent and lanes were added to 99W, it would create its own demand on the day it was opened. The City did receive a grant from ODOT to begin studying the problem in detail and this will begin this spring. This is an issue that the City is looking at simultaneously. In fact, there are a couple of elements in the Plan that begin to</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>touch on the problem: the Hall/99 intersection is one of the elements in the Plan as well as Greenburg Road. It is important that the Urban Renewal Plan does not deviate from its main goal of addressing downtown. Highway 99 is a huge problem; the City is looking at it – but, it is not the subject of this particular issue.</p> <p>Councilor Woodruff agreed that there are problems. He said that Mr. Jelinek's suggestions will be helpful in the long run for making the downtown more accessible and viable. The problem is, the City does not have control over Highway 99W. It is a daunting, long-term process, and we could wait and keep pushing until something happens; however, it is the City's desire to move ahead in areas where we do have some control. This does not mean the City would stop pushing forward with other improvements on 99 and work closely with ODOT, the County and the federal government but, to wait would place the City's destiny in someone else's hands and, "I don't think that's where we want to be."</p> <p>Mr. Jelinek noted his appreciation for the comments. He advised that he will avoid "that one-mile strip of 99 at all costs." If there are no improvements on 99, but there is improvement in downtown – he'd still be avoiding 99 and that is the key way to enter and exit the downtown.</p> <p>Councilor Sherwood noted she appreciated Mr. Jelinek's expertise. For the last three years, the City has asked ODOT to work with the City and they have responded. She noted that she travels all over the City and said she drives through the downtown area because it is the best way to get through "those intersections." The City needs to be creative. This Plan is about the downtown area. It is already on the Plan to fix the Hall/99 intersection. The Plan is not about improving</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>99 all the way from I-5 to King City. The City is looking at other alternatives.</p> <p>Mayor Dirksen said that the City Council agrees with Mr. Jelinek – both Hwy 99 and the downtown need to be addressed – and the City is doing that. Both improvements need to be done concurrently and for one to be successful, the other must happen. What the City Council is looking at tonight for the Urban Renewal Plan is to focus on the downtown area; however, this does not mean the City is ignoring 99W. The Downtown Plan will take 20 years. There are some plans within the Urban Renewal Plan to address some of the issues brought up by Mr. Jelinek. The overall study of 99W to determine what needs to be done and then to get the support from all levels of government to address those issues is a separate issue that the City is also working on at the same time.</p> <p>Councilor Wilson noted that Tigard received the TGM grant from ODOT and there will likely be a Task Force to oversee the work for which volunteer assistance will be needed. Not only will the City be looking for roadway improvements, but will also be reviewing land use, alternate routes, and access control. Some of these decisions will likely be controversial and he said the City would welcome someone such as Mr. Jelinek to be involved.</p> <p>Councilor Woodruff noted that people will “hassle” to get into Washington Square because there is a draw to shop there. The City hopes that over time, there will be a draw to the downtown area.</p> <ul style="list-style-type: none"> • Melissa Franco-Fishler, P. O. Box 321025, Tigard, OR 97281 advised she was new to Tigard and was seeking to become more educated as to what the Plan is for and to determine if it's necessary; whether it should 	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>take priority over other things that should be done for traffic. She said that a lot of people might see this as a “tax increase” and therefore say “no.”</p> <p>Mayor Dirksen said Ms. Franco-Fishler has brought up a good point: How does the City advertise this to everyone, to help them to know to make an educated vote in May. The City, Downtown Task Force, and the City Center Development Commission have been working to develop the Plan. He referred to meetings where the Plan has been discussed and there will be more meetings. He said there are plans to form a Political Action Committee. The City Council members will be involved in getting the word out between now and the election. He advised that once the ballot title is in place, the Plan cannot be promoted with use of City funds and resources. Elected officials and the Political Action Committee may continue to promote the Plan. The City will still be able to provide information about the Plan as long as this is not “promotional” in nature. It is the Council’s hope that they will be able to reach out to the community to inform the public on the issue before the May vote. Taxes will not go up; however, some of the taxes that would have been paid regardless will be redirected to the Urban Renewal Plan for specific projects.</p> <p>Mayor Dirksen suggested that staff make arrangements with Ms. Franco-Smith to discuss her questions.</p> <p>Councilor Woodruff assured Ms. Franco-Fishler that her questions were shared by a great number of people.</p> <p>City Attorney Ramis clarified that this is not a tax increase plan. The City is looking at “tax increment,” which will capture increased taxes that are derived from new development. The income from taxes from new development will</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>be funneled into the Urban Renewal District. Without the District being in place, that development would likely not happen; therefore, those revenues would not have been available. Councilor Wilson added that if a Tigard taxpayer is outside the Urban Renewal District, it has no affect on their taxes.</p> <ul style="list-style-type: none"> • Mary Potthoff, 11710 SW Ann Street, Tigard, OR 97223, said she agrees with urban renewal. She would love to see Tigard become an exciting, eclectic, and interesting place for people to come. She noted that in some of the reports she has read, she has not found that the City has a design for the existing buildings or new construction. She noted there will be \$22 million going into the urban renewal and the City should have authority over the Plan on how the urban renewal will come into fruition. <p>Councilor Wilson responded there are a couple of elements: There is the Urban Renewal Plan and the Downtown Improvement Plan. The Downtown Improvement Plan has associated with it some zone changes and other items that are now being worked on. Among those things could be design standards. There is no proposal yet to react to; the items brought up by Ms. Potthoff have not been ignored. He clarified that tonight's action is strictly about the Urban Renewal Plan, its boundaries and projects. The Downtown Plan is a separate entity and includes a follow up stage that will implement some of the recommendations of the Plan.</p> <p>Mayor Dirksen said the Downtown Plan is the blueprint around which the City is considering improvements and some redevelopment of the downtown area – specific projects are included. The Urban Renewal Plan, under consideration tonight, is essentially a financing plan to find money to do the projects that are in the Downtown Plan. The Downtown Plan</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>is under review to determine what types of changes are needed for the Comprehensive Plan and the Tigard Development Code. One of the items discussed is design review authority for the City for downtown development. Mayor Dirksen explained that with regard to the \$22 million, the money that is collected through the Urban Renewal Plan is money that will be used to do public improvements, not private development. The public improvements, together with other incentives the City can offer, will cause private development to take place. The private development that might take place in the downtown area is certainly not restricted to \$22 million – one condominium development could be \$22 million alone. The \$22 million cited in the Plan is for public projects; i.e., streets, open spaces, etc. – and is the limit of indebtedness.</p> <ul style="list-style-type: none"> • Sandra Carroll, 11330 SW 97th Court, Tigard, Oregon said she was curious why a code enforcement program was not considered prior to an urban renewal plan? <p>City Manager Prosser said that Code Enforcement would deal with the existing structures and development. The issue in the downtown is that it is actually below its market value. He noted the serious structural issues regarding the streets and public improvements and if these are addressed, it will encourage higher and better use of the land that is there.</p> <p>Discussion followed. Mayor Dirksen noted that changes to the Code will be considered; these changes will be done through a public hearing process involving the City Center Advisory Commission and the City Center Development Agency.</p> <p>Ms. Carroll noted that announcements about hearings need to be sent out further in advance in a timely fashion.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>Councilor Wilson noted that Ms. Carroll raised a sensitive issue with regard to existing downtown businesses. What the City would prefer to see is a private developer offer an existing business a price “they can’t refuse” and they will decide if they want relocate as opposed to say “you can’t engage in your business any longer.” Ms. Carroll clarified said that was not what she was suggesting – her comments were directed toward businesses owners being “happier” if they were located with similar businesses (through zoning and code enforcement).</p> <p>Interim Community Development Director Coffee commented on the Hall Boulevard/99W improvements and STA. He advised the staff was aware of these concerns (noted above by Ms. Buehner) and they were discussed last week at the CCAC meeting. The City Engineer is the coordinator on the State/County project at 99W and Hall Boulevard and he is aware of the concerns and will be contacting ODOT. Staff is also looking into the possibility of the STA. It will take some communication with ODOT in order to get revisions in the project. He added that the City Attorney has some revisions that were recommended by the CCAC, which will be need to be entered into the record.</p> <p>Two sets of revisions to the Urban Renewal Plan were distributed to the City Council. These revisions are on file in the City Recorder’s office. Staff recommends that the City Council include these revisions in its motion, should it choose to adopt the Plan this evening.</p> <p>Consultant Tashman summarized the amendments. The CCAC held a meeting last Thursday and went through a page-by-page final review of the Urban Renewal Plan. The Commission identified several places where the Plan could be clarified. The changes in the November 22 memorandum are almost exclusively clarification of language and</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>corrections of typographical errors. In some cases, additional information was suggested to allow the reader of the Plan to understand the Plan better. He then reviewed some of the specific changes outlined in the written material before the City Council.</p> <p>Mayor Dirksen noted there was an error in the Plan and the Report – there were two instances in the pages before the Table of Contents where the City Center Advisory <i>Commission</i> is referred to as the City Center Advisory <i>Committee</i>. These should be added to the list of corrections.</p> <p>Mr. Tashman, in response to a question from Councilor Harding, noted that no work has yet been done in identifying other sources of funding. He noted a past grant the City received and one that it could get again was the Transportation Growth Management Grant (TGM). This would fund planning and design work. Since there is a state highway running through the area, ODOT has funding for projects that will relieve some of the pressure on the state highway. He noted they could work to define other possibilities.</p> <p>Councilor Harding asked if the public improvement projects for the \$22 million have been identified. Mr. Tashman referred to a table in the report, which shows how the \$22 million that can be borrowed over the 20-year course of the Plan would be allocated with regard to categories of projects. Each individual project has not been broken down showing how much funding it should receive. State law requires that projections be shown with regard to how dollars would be spent – what types of projects. The consultants did their best to make these projections based on what they thought would be a reasonable allocation of resources to these types of projects. The projections are not binding; however, the \$22 million cap is binding.</p> <p>Mayor Dirksen also noted that funding of the list of projects envisioned in the Downtown Plan is not</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>limited to funds through Urban Renewal. The Urban Renewal District and Tax Increment Financing was never intended to be the sole source of financing for improvements in the downtown area. The City would continue to use grants and capital improvement dollars.</p> <p>Councilor Harding noted that it will take trust from the public and private sector to invest dollars.</p> <p>Councilor Harding noted that the City would still retain the right for eminent domain for public improvements. She asked what would happen if a developer wanted to acquire five parcels and it would be better, for tax purposes, for the property to be condemned. Could this happen? City Attorney Ramis said the Plan could be amended to allow this to happen; that is, amend the plan to give authority to acquire and redistribute land by condemnation. This provision is not in the Plan now, but it could be achieved by amendment. Another option noted by City Attorney Ramis, was that in some circumstances the goal could be achieved if some part of the project were a public improvement. For example, if the acquisition and assembly of land included a street improvement, then the City's condemnation power could be used.</p> <p>Mayor Dirksen noted that the Plan limits the use of condemnation and this limitation was done purposely. He said he feels strongly that, while he supports the idea of being able to use eminent domain for public facilities, the idea of using the authority to remove one private owner to turn this land over to another private owner is offensive. Councilor Harding said her intent would be to use condemnation where there is a willing seller who could also use a tax benefit. City Attorney Ramis said this was a good point in that the advantages come to the property owner from selling land to a jurisdiction under threat of condemnation; if there is no threat, then the benefits would not be available. City Attorney Ramis said there are other methods available for property owners, including a 1031 Exchange.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>Roger Potthoff, 11710 SW Ann Street, Tigard, Oregon 97223, said that as a member of the CCAC he wanted to point out that the Downtown Task Force has had three years to develop a comprehensive set of improvements for the downtown area. The CCAC started in late August and has been working on a compressed timeline to try to bring focus to some of the complexities of the Urban Renewal Plan as it moves from a Downtown Improvement Plan into a formal Urban Renewal Plan. There have been stresses with respect to the timetable. The CCAC has been dealing with complex issues, not the least of which was the boundary issue. Most are now satisfied with how the boundary issue was resolved.</p> <p>He said he thought there was an inordinate amount of the Commission's time spent on the boundary issue and there are a lot of other issues they have not attended. He referred to Ms. Buehner's testimony regarding STA's, which have specific application to urban renewal districts. Mr. Potthoff pointed out that one resident has brought up code enforcement and there has also been discussion of the likelihood of the City taking action to make changes to the Code that would align with the Downtown Improvement Plan. He referred to Ms. Potthoff's testimony regarding design review authority, which has also been discussed in terms of a future action to bring things in line for this Plan.</p> <p>Mr. Potthoff referred to testimony from Mr. Jelinek regarding timing of improvements for 99W before the urban renewal.</p> <p>Mr. Potthoff asked for the City Council to give the Commission additional time to review some of the complexities of the other issues and come back to the City Council with recommendations on issues relating to Code, design, authority, and STA's. Mr. Potthoff noted his support for the Urban Renewal Plan. He wanted to make sure that as it goes to the voters, it will be something they will be able to understand and support. He said he</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>thought the City has more work to do before it is adopted by the City Council and sent on to the voters. He asked if it was possible that this vote be postponed until November 2006.</p> <p>City Attorney Ramis noted that the decision is fundamentally a policy decision with regard to the timing of the election.</p> <p>Councilor Wilson noted that Mr. Potthoff raised some good points. The City Council did consider the November election. He said there were a number of complexities involved in the decision to go ahead in May. He noted there is a County plan for a “super” urban renewal area that runs down all of Highway 217. The County asked Tigard if they would want to join them to make this a County-wide consideration. Councilor Wilson noted the City has been working on this issue for three years and, although the CCAC is new to this effort, there was a strong sense that after two failed votes in the past, the City wanted to capitalize on the momentum the City had already developed. The results of polling indicated favorable results. There has been a lot of publicity and work done to educate the public. Councilor Wilson advised that, so far, there has been relatively little opposition. The City Council felt that to wait six months, would risk losing too much momentum. Urban Renewal is just one tool. The City will be doing other activities to get things done.</p> <p>Councilor Wilson said he understood Mr. Potthoff's desire to think through some things; but, there are some decisions that can be made after this goes to a vote. For example, there will be a lot of review and development of the various projects in the Plan.</p> <p>Mayor Dirksen supported the comments made by Councilor Wilson. The Mayor noted the issues brought up by Mr. Potthoff were pertinent and will need to be dealt with in the near future. The election will be conducted to receive tax increment financing authority from the voters. The issues,</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>6. Public Hearing – Consider the Adoption of the Tigard City Center Urban Renewal Plan and Corresponding Ballot Title Continued</p>	<p>which need to be dealt with regarding the Comprehensive Plan, zoning, and Code requirement changes, can occur after the vote. The CCAC will be asked to do much of this work.</p> <p>Mr. Potthoff confirmed the CCAC is willing to do the work and those things he talked of earlier are important to success of the Plan not only for the vote in May, but for the long-term success of the planned improvements.</p> <p>Associate Planner Roberts said that staff recommends that the City Council adopt the Urban Renewal Plan as presented and as amended by the consultant. City Attorney Ramis added that the Council should make the ordinance effective on December 13.</p> <p>Mayor Dirksen noted the amendments were contained in the two written documents received by the City Council as well as his comments and to make the effective date December 13. (See Pages 16 and 17.)</p> <p>Council discussion followed.</p> <p>Councilor Sherwood noted that City of Tigard is one of last to get something accomplished in its downtown area. She reviewed information regarding the success of urban renewal districts in other areas:</p> <ul style="list-style-type: none"> - Tualatin: tax base was frozen at \$14,067,000 and after several years the value was \$152,161,000 - Wilsonville: tax base was \$61,000,000 and value is now \$255,000,000 - Lake Oswego: tax base was \$45,000,000 and after just a few years, the tax base is more than \$106,000,000. <p>Councilor Sherwood said she thought it was important that the City embrace this Plan; it will</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)										
	<p>add value to the City and the downtown.</p> <p>City Attorney Ramis, noted that the City Manager pointed out that the City Council does not need to include in its motion a particular effective date, because the ordinance will not become effective for 30 days, which will accommodate the time period needed for the City to talk to the County. This matter will be reviewed on December 13.</p> <p>Mayor Dirksen closed the public hearing.</p> <p>City Council considered and approved Ordinance No. 05-17 with the revisions as suggested by the CCAC. See Pages 5 and 6, Action Items.)</p> <p>ORDINANCE NO. 05-17 – AN ORDINANCE ADOPTING THE CITY CENTER URBAN RENEWAL PLAN AND DIRECTING THAT THE PLAN BE REFERRED TO THE VOTERS</p> <p>The proposed resolution on the ballot title will be considered on December 13, 2005.</p>											
	<p>Council meeting recessed at 9:56 p.m. Council meeting reconvened at 10:03 p.m.</p>											
<p>7. Budget Amendment #4 – GIS Coordinator Position</p>	<p>IT Director Ehrenfeld and City Manager Prosser presented the staff report to the City Council.</p> <p>Council discussed this request for creating a position mid-year. During discussion City Council members acknowledged the benefits of coordinating the GIS applications in the City. There was discussion on concerns about reduction on ending-fund balances and whether a corresponding cost savings could be made elsewhere. City Manager Prosser explained that the financial forecast is being prepared now with the first reports coming in from departments.</p> <p>After discussion, this item was tabled until January 2006. The City Council will review this request when financial forecast information is available.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to table this issue until January 2006, when budget projections are available.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes											
Councilor Harding	Yes											
Councilor Sherwood	Yes											
Councilor Wilson	Yes											
Councilor Woodruff	Yes											

Agenda Item	Discussion & Comments	Action Items (follow up)
#8 Continuation of a Public Hearing on Sunrise Lane Annexation Proposal	<p>Procedural status was reviewed by City Attorney Ramis. The oral portion of public testimony had been closed. Written submittals included testimony from the lawyer (Michael Robinson) representing the applicant and from the lawyer (Lawrence Derr) representing the Friends of Bull Mountain and Lisa Hamilton-Treick asking for additional time to review specific aspects of the proposal.</p> <p>Mayor Dirksen reopened the hearing to receive testimony on the requests for more time to allow additional testimony on specific issues.</p> <p>Michael Robinson, Attorney at Law representing the Applicant, 1120 NW Couch Street, 10th Floor, Portland, Oregon 97209-4128 advised he did not have a problem with reopening the testimony to receive additional comments on the topics named. However, on behalf of his clients, he would prefer the shorter schedule that he proposed.</p> <p>Lisa Hamilton-Treick, 13565 SW Beef Bend Road, unincorporated Bull Mountain, Oregon, asked for the courtesy of the extra week, given the intervening holiday.</p> <p>Mayor Dirksen said he would support the longer time period because of the holiday.</p>	<p>Motion by Councilor Harding, seconded by Councilor Wilson, to reopen the public record as outlined*.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p> <p>*Public Record reopened as follows:</p> <ol style="list-style-type: none"> 1. All parties will be allowed to present written arguments pertaining to Comprehensive Plan Policies 10.1.1a and 10.1.2.e and Community Development Code 18.310.020 B. Arguments are due 5 p.m. on December 7, 2005. 2. Applicant Rebuttal is due December 14, 2005, 5 p.m. 3. Applicant Statement is due December 15, 2005, 5 p.m. 4. Supplemental staff report, if needed, is due December 19, 2005, 5 p.m. 5. Continuation of public hearing before the City Council is set for December 20, 2005, 7:30 p.m.

Agenda Item	Discussion & Comments	Action Items (follow up)
10. Non Agenda	Councilor Woodruff reminded the viewing audience there would be no Fifth Tuesday meeting on November 29, 2005. The next City Council Fifth Tuesday meeting is scheduled for January 31, 2006.	
12. Adjournment	Meeting adjourned at 10:35 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

I:\adm\city\ccm\2005\051122.doc

**CITY CENTER DEVELOPMENT AGENCY
- AN URBAN RENEWAL AGENCY –
MEETING
SEPTEMBER 13, 2005**

1. CITY CENTER DEVELOPMENT AGENCY (CCDA) MEETING
 - 1.1 Chair Dirksen called the meeting to order at 10:16 p.m.
 - 1.2 Agency Members Present: Chair Dirksen; Directors Sherwood, Wilson, and Woodruff.
2. REVIEW AND PROVIDE INPUT ON THE URBAN RENEWAL PROJECT PUBLIC OUTREACH PLAN

The CCDA members reviewed the Urban Renewal Project Public Outreach Plan with members of the staff, the consultant, and Chair of the City Center Advisory Committee (CCAC). Strategies were reviewed. Additional discussions are needed at CCAC regarding boundaries of the project.

Mike Marr, CCAC Chair, reviewed the elements of the Plan. He referred to ten specific projects identified along with plans to “get the word out” about the Plan to the public.

Consultant Jim Rapp (of Norton-Arnold & Company) reviewed the process to develop the plan, which included:

- Brainstorming session (CCAC and interested citizens participated)
- Incorporating the results of a citizen survey, which indicated an impressive level of awareness and support for improvements in the downtown area
- Applying “best practices” for public outreach

Mr. Rapp reviewed the key messages (themes) of the Plan. He also referred to the 11 outreach strategies, noting that the 11th strategy was added for additional outreach to property owners.

A matrix on roles and responsibilities relating to the Plan will be developed in the near future.

CCAC Chair Marr noted the outreach will require a lot of effort in the next six to eight months. Council discussion followed with Council members indicating their support. Once a ballot title is approved, Mayor Dirksen noted advocacy will fall to the City Council. There are plans to form a Political Committee to support the ballot measure.

Community Development Director Hendryx noted meetings with other taxing jurisdictions are being scheduled to solicit comments on the proposed urban renewal effort using tax increment financing.

3. Adjournment: 10:45 p.m.

Catherine Wheatley, Recorder
City Center Development Agency

Attest:

Craig Dirksen, Chair
City Center Development Agency

Date: _____

I:\admin\city\com\2005\050913 coda minutes.doc

CITY CENTER DEVELOPMENT AGENCY
- AN URBAN RENEWAL AGENCY-
MEETING MINUTES
SEPTEMBER 20, 2005

1. CITY CENTER DEVELOPMENT AGENCY (CCDA) MEETING

1.1 Chairperson Dirksen called the meeting to order at 9:49 p.m

1.2 CCDA Members present:

Chairperson Dirksen, Directors Sherwood, Wilson, and Woodruff.

City Center Advisory Commission (CCAC) Members present:

Carolyn Barkley, Gretchen Buehner, Alexander Craghead, Alice Ellis Gaut,
Marland Henderson, Mike Marr and Roger Potthoff.

2. UPDATE ON THE STATUS OF THE URBAN RENEWAL PLAN

Community Development Director Hendryx introduced this item and provided the CCDA members with an updated Urban Renewal Plan Adoption Process and Timeline, dated September 20, 2005. The handout is on file in the City Recorder's office.

Mr. Hendryx provided the following highlights of the timeline:

- 9/21/05 – CCAC approves the Urban Renewal Plan
- 9/27/05 - CCDA accepts and refers the plan
- 9/27/05 – Mail notice to urban renewal property owners plus 500 feet
- 10/17/05 – Planning Commission hearing on the plan
- 11/22/05 or 12/13/05 – City Council takes action on the plan

Mr. Hendryx advised this is an aggressive schedule.

Mr. Hendryx informed the CCDA the Downtown Improvement Plan and the CCAC recommendation are based upon different urban renewal boundaries. The CCAC recommendation expanded the original area to include:

- Railroad crossings at Tiedeman and North Dakota intersection.
- The other side of Commercial Street.
- The former Safeway property to the Shell gas station at Highway 217.
- The majority of the Russ Chevrolet dealership property.

Expansion of the urban renewal boundaries was not a unanimous decision. Mr. Hendryx stated the CCAC had discussed the matter at three separate meetings. He added the Downtown Task Force may not support the boundary expansion. The schedule for urban renewal did not factor in time to resolve areas of disagreement. Mr. Hendryx advised these differences of opinion and the lack of a unified decision from the group may impact public outreach.

Mr. Hendryx suggested one option might be to postpone the Planning Commission meeting to November 7, 2005, building in another three weeks to try and resolve the boundary issue. This would make the schedule even tighter and would delay mailing of the notices which are slated to go out next week.

Mr. Hendryx described some of the tasks associated with the Public Outreach Plan. The CCAC had discussed scheduling 50 to 70 dialogues. Mr. Hendryx stated he and the City Manager had discussed increasing the services of the public outreach consultant by no more than \$20,000, to assist with some of the key components related to public involvement. Mr. Hendryx advised the Public Outreach Plan views the following tasks as essential to the success of Tigard's urban renewal efforts:

- Training for City Center Advisory Commission members.
- Assembling facts and highlights for the public.
- Shape the message.
- Training on how to engage the public.

Mr. Hendryx acknowledged the need for consensus-building among the CCAC and the Downtown Task Force in order to identify a solid plan which both groups can support.

Next Mr. Hendryx addressed the election schedule. He relayed a new court decision resulted in a mandate to have all ballot title challenges completed before the ballot title is filed with the elections division. This compresses an already tight timeline, as a challenge may add another 60 days to the election process.

Mr. Hendryx advised once the decision is made to put an item on the ballot, the task force, CCAC and staff can only prepare factual materials; these groups are not permitted to advocate for the ballot measure.

Mr. Hendryx suggested the following three options:

1. Retain the existing schedule.
 - Planning Commission on October 17
 - Complete the plan on September 21
 - Plan comes to the CCDA the week of September 26
 - Notices sent out the week of September 26
 - Drawback – consensus has not been achieved regarding the urban renewal boundary
2. Push the timeline back.
 - Move the Planning Commission meeting back three weeks
 - More time for notices and public outreach
 - More time to work toward a consensus
 - City Council hearing would take place on 11/22 or 12/13
3. Move the election to November 2006 election.

The CCDA discussed at what point in the process the boundaries needed to be determined. Chairperson Dirksen confirmed the process as follows:

- CCAC adopts the plan
- CCDA refers the plan to the Planning Commission
- Planning Commission refers the plan to the Council
- City Council considers the plan

Chairperson Dirksen verified there were no projects planned for the expanded boundary area.

Mr. Hendryx advised the boundary has to be identified so notices can be sent out. Notices are scheduled to go out next week. City Attorney Ramis added, as a part of the notice, the financial analysis needs to be completed. The analysis is dependent upon the urban renewal boundaries.

CCDA member Buehner informed the Council that among the CCAC members, there was never a clear decision regarding the northern boundary of the urban renewal area. Director Wilson confirmed the original boundary only contained one corner at the intersection of Hall Boulevard and Highway 99W.

With regard to the expanded boundary, Ms. Buehner explained right-of-way improvements in the Hall Boulevard and Highway 99W intersection were going to have a substantial impact on properties in that area. She predicted redevelopment of the expanded area would take place sooner than expected and it made sense for the area to be included within the urban renewal boundaries. She added developers had advocated for the expanded area.

CCAC member Potthoff declared the entire Hall Boulevard and Highway 99W intersection should be included in the urban renewal boundary because the area represents an underdeveloped use of the property. Areas falling short of their "highest and best use" qualify for urban renewal. Private investment is driven by the market and traffic is a determining factor. Mr. Potthoff argued the act of identifying Main Street as an urban renewal area would not, by itself, bring investment to that area. He asserted the boundary expansion would increase the financial capacity of the whole urban renewal area by making the bonds more viable. Mr. Potthoff stated the area in question could be the revenue source which drives urban renewal over the next 20 years. Mr. Potthoff concluded by saying citizens are very interested in improving Highway 99W and to exclude the expanded area means citizen concerns would be ignored.

It was noted five property owners along Hall Boulevard had signed petitions indicating they wished to be included in the urban renewal district.

CCAC Chairperson Marr stated he did not recall any discussion with developers regarding the Hall Boulevard and Highway 99W intersection. Mr. Marr, not speaking as the CCDA Chairperson, said he was open to the Tiedeman/North Dakota and Center Street (from Greenburg Road to Commercial Street) amendments to the plan, but did not support the northern boundary expansion. He asserted the commission should stick with the existing plan, as this is what has been represented to the citizens for the past three years. By amending the boundary, the plan may lose credibility with the public and its chances for success may be reduced.

CCAC member Gaut remarked how the demographics of the area had changed as compared to earlier urban renewal plans.

Marland Henderson, CCAC member and Chairperson of the Downtown Task Force, expressed concern about changing a plan the group had been working on for the past three years. He noted by expanding the boundary, an already daunting workload would be increased and the urban renewal area would more than double in size.

The Tiedeman offshoot was discussed. The addition of this intersection makes the boundary appear awkward. Some Council members suggested there might be other funding options, such as capital improvement dollars or Metro funds, to address the railroad crossing issue.

Director Wilson confirmed the tax increment funding dollars from the expanded area would benefit the urban renewal district. However, no urban renewal projects are proposed for this area.

CCAC member Barkley asserted the most compelling argument for not expanding the boundary was there had been no outreach to property owners. She advised these property owners may be excited at the prospect of inclusion in the district and the group should not assume there would be opposition.

Director Woodruff inquired if there was any possibility of the CCAC reaching a consensus. Mr. Potthoff stated the group was trying to second guess the politics of their recommendation. He explained the best approach to urban renewal may not be the most palatable plan for voters.

Mr. Ramis advised the city needed to have a plan. He added the plan could be amended.

Chairperson Dirksen asked Mr. Henderson and Mr. Marr to summarize the concerns the Downtown Task Force had regarding the boundary expansion. There concerns are as follows:

- Potential opposition of property owners within the expanded area.
- Public perception of the change and maintaining credibility with voters.
- Expanded area falls outside of the central business district.
- Improvements to the Highway 99W and Hall Boulevard intersection fall under state jurisdiction.

Chairperson Dirksen expressed his desire for the group to reach a consensus and proposed a meeting between the CCAC and the Downtown Task Force. He encouraged the City Council to attend also. It was agreed a meeting would be arranged and the item would be placed on the Planning Commission agenda on November 7 rather than October 17.

City Attorney Ramis reminded the group that the "selling" of urban renewal could not be done by a city commission or task force. However, members of these groups can form a separate political entity to promote urban renewal.

Mr. Prosser summarized by saying staff would identify a date for the meeting as soon as possible. He added a contract amendment might be done to allow the public outreach consultant to facilitate the meeting. Thursday, September 29th at 6:30 p.m. was suggested as the possible meeting date and time.

3. ADJOURNMENT:

Motion by Director Woodruff, seconded by Director Wilson, to adjourn the meeting.

The motion was approved by a unanimous vote:

Chairperson Dirksen	- Yes
Director Sherwood	- Yes
Director Wilson	- Yes
Director Woodruff	- Yes

The meeting adjourned at 11:02 p.m.

Greer A. Gaston, Recorder
City Center Development Agency

Attest:

Craig Dirksen, Chairperson
City Center Development Agency

Date: _____

l:\adm\cathy\ccdm\2005\050920 ccda.doc

CITY CENTER DEVELOPMENT AGENCY
- AN URBAN RENEWAL AGENCY-
MEETING MINUTES
OCTOBER 11, 2005

1. CITY CENTER DEVELOPMENT AGENCY (CCDA) MEETING
 - 1.1 Chairperson Dirksen called the meeting to order at 8:25 p.m.
 - 1.2 CCDA Members present: Chairperson Dirksen, Directors Sherwood, Wilson, and Woodruff.
2. CONSIDER AN URBAN RENEWAL PLAN AND REFER THE PLAN AND REPORT TO THE PLANNING COMMISSION

The schedule had called for the CCDA to consider a resolution forwarding the Urban Renewal Plan to the Planning Commission. Because the Agency has not had an opportunity to review the report in detail, the Agency will consider the Resolution on October 18, 2005.

City Center Advisory Commission (CCAC) Chair Marr was present. Interim Community Development Director Coffee presented the CCDA with information about the current status of the Plan and Report. The CCAC will be meeting to discuss boundary issues. Highlights of the review with the CCDA included:

- Boundaries of the urban renewal area were reviewed.
- Reference was made to the goals and objectives outlined in the Plan.
- Tax increment financing as one of the funding mechanisms for urban renewal.
- Planning Commission meeting to review the Plan and Report is scheduled for October 31, 2005.
- Notice went out today (October 11, 2005) to property owners in the district and property owners within 500 feet of the district. Property owners may comment at the Planning Commission Hearing on October 31 or the Council Hearing scheduled for November 22. Boundaries can be modified by the CCDA.

The CCDA meeting adjourned at 8:35 p.m.

Catherine Wheatley, Recorder
City Center Development Agency

Attest:

Craig Dirksen, Chairperson
City Center Development Agency

Date: _____

l:\adm\cathy\ccm\2005\051011 ccda.doc

CITY CENTER DEVELOPMENT AGENCY
- AN URBAN RENEWAL AGENCY-
AND TIGARD PLANNING COMMISSION
MEETING MINUTES
OCTOBER 18, 2005

1. CITY CENTER DEVELOPMENT AGENCY (CCDA) MEETING
 - 1.1 Chair Dirksen called the meeting to order at 7:00 p.m.
 - 1.2 CCDA Members present: Chair Dirksen, Directors Harding, Sherwood, Wilson (arrived at 7:14 p.m.), and Woodruff.
 - 1.3 Planning Commission Members present: President Padgett; Commissioners Buehner, Caffall, Haack, Inman. Also present: Planning Commissioner Alternate Walsh.
2. CONSIDER AN URBAN RENEWAL PLAN AND REFER THE PLAN AND REPORT TO THE PLANNING COMMISSION

Consultant Jeff Tashman reviewed the key aspects of the Plan and Report:

- Represents years of planning.
- Extensive outreach was conducted.
- The Urban Renewal Plan is a way to implement the Downtown Improvement Plan.
- Tax increment financing is a tool contained in the Urban Renewal Plan.
- The City Center Advisory Commission (CCAC) held a series of meeting. The CCAC proposed including more area in the urban renewal district than what was proposed in the Downtown Improvement Plan.
- Functions of the Plan and Report were reviewed:
 - Budget process is same process as required for a City.
 - Funds to be borrowed; decisions on expenditures need to be made.
 - Goals and objectives are outlined.
 - The County Assessor will measure the value of the property within the urban renewal boundary. This initial valuation will be used to determine the growth in value of the district over time.
 - Projects are defined in a general way; details will change.

- Loans and grants will be available to property and business owners, which is a key component of urban renewal.
- The Plan contains policy analyses required by state law.

Director Wilson arrived at 7:14 p.m.

- The Urban Renewal Plan allows limited authority for acquiring property. It is anticipated that some initiative measures will be before Oregon voters in the 2006 General Election to change the State Constitution regarding condemnation when a private developer is involved.
- The maximum indebtedness over the life of the Plan is \$22 million.
- Impacts of tax increment financing were mentioned including the indirect impacts on K-12 schools.
- Urban Renewal Plan has a 20-year life, expiring in 2027. Cost recovery is estimated to occur within ten years; debts would be paid off within two years; tax increment financing would continue until financing is paid off.
- City Charter and State Law govern the Urban Renewal District. Substantial changes must be submitted to the Tigard voters. Area changes greater than one percent would be considered "substantial."
- Reviewed structure and authority of the CCDA for considering amendments.
- Reviewed how the \$22 million amount was determined. This amount was derived by looking at the proposed urban renewal plan area and evaluating which parcels are vacant or likely to be redeveloped. The CCAC wanted to make sure the debt cap is high enough to get the job done, yet not so high that the impact is over-estimated.
- Financing sources outside of tax increment financing include state and foundation grants.
- Funding allocations among projects are flexible under the \$22 million cap.
- The City's Finance Department staff would assist with the development of the first year's budget for the CCDA.
- Comments were made by CCDA members and Planning Commissioners about initial projects. Initial projects will be conservative and selected to stimulate growth in the urban renewal area.

City Attorney Ramis presented information on the urban renewal approval process and standards. A copy of the presentation viewed by the CCDA and Planning Commission members is on file in the Agency Recorder's office.

It was determined that Legal Counsel will be present at the Planning Commission's hearing on the Urban Renewal Plan.

CCDA members then commented on the proposed Urban Renewal Plan and Report:

Chair Dirksen noted on Page 14 of the Report, Section E. – Municipal Services – (third line down) the words "...is described in section IX of this Report" should be changed to "...is described in section X of this Report."

Chair Dirksen referred to Page 7 of the Report. The first two paragraphs refer to existing uses of the downtown that do not conform to the goals and objectives. Those two paragraphs make reference to specific businesses and since the CCDA does not intend to target any particular businesses, Chair Dirksen suggested that this is not appropriate. He said the two paragraphs should be rewritten as follows:

In particular, automobile-oriented uses and manufacturing and industrial facilities do not support the City's goal to create a vibrant, pedestrian friendly atmosphere downtown. These are examples of area businesses that play a valuable role in the local economy but are not appropriate uses of the CBD. (then continue with the rest of the paragraph).

Director Sherwood said on Page 26 of the Report there is no budget item identified for property acquisition for willing sellers. After discussion, Consultant Tashman indicated an estimate could be made for property acquisition for willing sellers as well as another budget item for public facilities.

Interim Community Development Director Coffee noted typographical corrections will be made. For example, the page breaks in the tables of the Report need to be adjusted.

Director Wilson referred to a comment he made before about the fact that some of the auto-oriented uses in the urban renewal area are government uses. He suggested that the zoning code review consider whether fleet storage is appropriate. He also commented that he hoped the federal government would consider a retail postal outlet in the downtown area rather than a distribution center.

Director Woodruff said he was comfortable with adopting the resolution. He said he thinks "we are really just moving it along in the process..." He added that he was anxious to get more official public input from the upcoming Planning Commission and City Council hearings.

In response to a question from Chair Dirksen, City Attorney Ramis advised he would give a qualified "yes" answer that the Urban Renewal Plan document addresses all legal requirements. City Attorney Ramis advised that his office has reviewed the documents against the requirements of the statute and has had conversations with staff and the consultant about some things that should be clarified. He said that he would expect that by the time the City Center Development Agency/City Council sees this document again, there will be some evolution of it. City Attorney Ramis said he thought "we are 95 percent there."

Chair Dirksen noted the Plan refers to the area as "blighted." He noted the term "blight" might cause some concern among some members of the community. Chair Dirksen said, in his opinion, the term "blight" applied to this area only because it has not achieved its highest and best use and it needs some help in order to do so. Because this area has not lived up to its development potential, it has caused an extra burden on other areas of the City. He gave housing as an example – since there is very little housing downtown and there is no opportunity for housing development in the area, greater demands are being placed on Tigard's traditional neighborhoods to take on capacity required in the Urban Growth Boundary. Including a high density residential component to the Downtown Plan, helps alleviate some of that pressure on existing neighborhoods.

Consideration of CCDA Resolution No. 05-01:

Director Sherwood moved for adoption of the proposed Resolution No. 05-01. Director Woodruff seconded the motion.

CCDA RESOLUTION 05-01 – A RESOLUTION PROPOSING AN URBAN RENEWAL PLAN AND REFERRING THE PROPOSED URBAN RENEWAL PLAN AND REPORT TO THE PLANNING COMMISSION, DIRECTING DISTRIBUTION OF THE URBAN RENEWAL PLAN AND REPORT TO TAXING DISTRICTS AND DELEGATING AUTHORITY TO THE AGENCY MANAGER

The motion was approved by a unanimous vote of City Center Development Agency members present:

Chair Dirksen:	Yes
Director Harding:	Yes
Director Sherwood:	Yes
Director Wilson:	Yes
Director Woodruff:	Yes

3. Motion by Director Wilson, seconded by Director Sherwood, to adjourn the meeting at 8:13 p.m.

The motion was approved by a unanimous vote of City Center Development Agency members present:

Chair Dirksen:	Yes
Director Harding:	Yes
Director Sherwood:	Yes
Director Wilson:	Yes
Director Woodruff:	Yes

Catherine Wheatley, Recorder
City Center Development Agency

Attest:

Craig Dirksen, Chairperson
City Center Development Agency

Date: _____

\\adm\ceahy\cm\2005\051011 ccda.doc

CITY CENTER DEVELOPMENT AGENCY
- AN URBAN RENEWAL AGENCY-
MEETING MINUTES
NOVEMBER 15, 2005

1. CITY CENTER DEVELOPMENT AGENCY (CCDA) MEETING
 - 1.1 Chair Dirksen called the meeting to order at 7:07 p.m.
 - 1.2 CCDA Members present: Chair Dirksen, Directors Harding, Sherwood, Wilson, and Woodruff.

2. REPORT ON THE STATUS OF THE URBAN RENEWAL PLAN

Chair Dirksen announced that last week the City of Tigard was awarded the League of Oregon Cities Good Governance Award in recognition of its Downtown Plan. The Chair acknowledged former Downtown Task Force Chair Mike Marr, who was present at this meeting, and thanked all the members of the Task Force who made this award possible.

Associate Planner Roberts gave a status report on the activities for the urban renewal effort, which included seven community meetings and three meetings with taxing districts regarding the Plan. Mr. Roberts reviewed the results of surveys taken at these meetings indicating, by and large, support for the urban renewal effort. He reviewed the nature of the questions from the 15 calls received on the Urban Renewal Hotline, which he characterized as general-inquiry in nature.

A member of the audience asked when would the urban renewal start. City Manager Prosser noted that the schedule calls for tax increment financing to be placed before the voters in May. Mayor Dirksen clarified that urban renewal projects have been identified in the capital improvement budget; tax increment financing is one of the tools to implement the Urban Renewal Plan once approved by the City Council.

A hearing on whether to approve the Urban Renewal Plan and Report will be before the City Council on Tuesday, November 22. At that time, the City Council

will also consider a ballot title for tax increment financing for the May 16, 2006, election.

Catherine Wheatley, Recorder
City Center Development Agency

Attest:

Craig Dirksen, Chairperson
City Center Development Agency

Date: _____

I:\adm\calh\lcm\2005\051115 ccda.doc

MEMORANDUM



TO: Honorable Mayor and City Council

FROM: Cathy Wheatley, City Recorder *Cathy*

DATE: December 5, 2005

SUBJECT: Three-Month Council Calendar

Agenda Item No. 3, 3 a.
For Agenda of December 13, 2005

Regularly scheduled Council meetings are marked with an asterisk (*).

December

13*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
20*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
26	Monday	Christmas Holiday – City Offices Closed
27*	Tuesday	Council Business Meeting Canceled

January

2	Monday	New Year's Holiday – City Offices Closed
6	Friday	Special Council Meeting – Goal Setting – Noon – 5 p.m.; Second Floor Library Conference Room
10*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
16	Monday	Martin Luther King, Jr. Day Holiday – City Offices Closed
17*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
24*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
31	Tuesday	5 th Tuesday Council Meeting – 7-9 p.m., Tigard Water Auditorium

February

14*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
21*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
20	Monday	Presidents Day Holiday – City Offices Closed
28*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

t:\edm\city council\3-month calendar for 12-13-05 cc mtg.doc

Tigard City Council Tentative Agenda 2005

Agenda Item No. 3.3b
 Meeting of 12.13.05

Meeting Date:	December 20, 2005	Meeting Date:	December 27, 2005
Meeting Type/Time:	Business/6:30 PM	Meeting Type/Time:	Business/6:30 p.m.
Location:	City Hall	Location:	City Hall
Greeter:		Greeter:	
Materials Due @ 5:	December 6, 2005	Materials Due @ 5:	December 13, 2005
Bid Opening Deadline:	December 5, 2005	Bid Opening Deadline:	December 12, 2005
Scan Deadline @ noon:	December 2, 2005	Scan Deadline @ noon:	December 9, 2005
Req to Sched Due @5:	November 18, 2005	Req to Sched Due @5:	November 23, 2005
Televised:	No	Televised:	Yes
Attorney Attends:	No	Attorney Attends:	No
		Study Session	
Meeting is now a Business Meeting Update on Potential Financial-Related Ballot Measures from Other Jurisdictions - Tom I. 20 min. Police Accreditation Discussion - Bill D. - 10 min.		Meeting Canceled	
Consent Agenda		Consent Agenda	
Award Contract - General Legal Svcs. - Tom I. Award Contract - Labor Attorney - Tom I. Approve WCCLS IGA - Margaret PRAB Appts. - RES - Dennis Initiate Vacation - Un-named Right of Way E. of 74th Ave. & Approx. 680' No. of Durham Rd - Tom C			
Business Meeting		Business Meeting	
Presentation of Bronze Safety Award to Loreen - Mayor & Craig P. - 5 min. PHQJ - Sunrise Annexation - ZCA 2005-0004 - Tom C. - 15 min. (cont. from 11/22/05) GIS Coordinator Budget Amend #4 - Gary E/Tom I 15 min - Need RS Indonesian Resource Cities Exchange Program Report - 30 min - Loreen/Liz Recess Business Meeting & Convene Workshop: Joint Meeting with IWB (SI) - Dennis 40 min - Regulation of Future Water Connections Outside City Limits - Locating Park Improvements at Surplus Property Locations - Long-term Water Supply Selection Criteria Time Avail.: 135 min. - Time Scheduled: 105 min Time Left: 35 min.		Time Avail.: 135 min. - Time Scheduled: min Time Left: min.	

Note: Chamber Rep on Citizen Com. (P. Brown)
 12/6/2005

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	January 6, 2006 Special/ noon 2nd Flr. Lib Conf Rm December 23, 2005	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	January 10, 2006 Business/6:30 p.m. City Hall December 27, 2005	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	January 17, 2006 Workshop/6:30 City Hall January 3, 2006
		Study Session		Workshop Agenda	
Council Goal-Setting Meeting 4th Quarter Goal Update - Joanne				Joint Meeting with Budget Committee - Tom I. - 40 min. SI Discuss Annexation Policy - Tom C - 45 min.	
		Consent Agenda			
		Business Meeting			
		State of the City Address - Mayor - 15 min. 4th Quarter Goal Update - Craig P/Joanne 15 min.			
		Time Avail.: 135 min. - Time Scheduled: min Time Left: min.		Time Avail.: 200 min. - Time Scheduled: 200 min Time Left: 0 min.	

THS Student Envoy - Citizen Comm.

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	January 24, 2006 Business/6:30 p.m. City Hall January 10, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	January 31, 2006 5th Tues/7 PM Water Building Aud. Dennis January 17, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	February 14, 2006 Business/6:30 p.m. City Hall January 31, 2006
Study Session		Fifth Tuesday Meeting		Study Session	
Councilor Woodruff will be absent.		Confirmed: Stacie Yost will facilitate.		Executive Session - Labor Negotiations - Sandy - 20 min.	
Consent Agenda				Consent Agenda	
Business Meeting				Business Meeting	
Tigard Vision - 2005 Accomplishments Update - Liz & Loreen - 20 min Presentation - Tual. Riverkeepers: "Field Guide to Erosion Prevention and Sediment Control for Const. Sites - Liz - 15 min.					
Time Avail.: 135 min. - Time Scheduled: 65 min Time Left: 70 min.				Time Avail.: 135 min. - Time Scheduled: min Time Left: min.	
Chamber Rep - Citizen Comm.		THS Student Envoy - Citizen Comm.			

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	February 21, 2005 Workshop/6:30 p.m. City Hall February 7, 2005	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	February 28, 2006 Business/6:30 p.m. City Hall February 14, 2006
Workshop Agenda		Study Session	
Joint Meeting with Planning Commission - Tom C. - 30 min. - SI			
		Consent Agenda	
		Business Meeting	
Time Avail.: 200 min. - Time Scheduled: min Time Left: min.		Time Avail.: 135 min. - Time Scheduled: min Time Left: min.	



Agenda Item No. 3.3c.
Meeting of 12.13.05

Approved By Tualatin City Council
Date 11-28-05
Recording Secretary M. Smith

MINUTES
TUALATIN CITY COUNCIL/TIGARD CITY COUNCIL/
TIGARD-TUALATIN SCHOOL DISTRICT BOARD MEETING
OCTOBER 17, 2005

PRESENT: Tualatin Mayor Lou Ogden [5:25 p.m.], Tualatin Councilors Chris Barhyte, Chris Bergstrom [5:20 p.m.], Bob Boryska, Mike Gillespie, Jay Harris, and Council President Ed Truax; Tualatin City Manager Steve Wheeler; Paul Hennon, Community Services Director; Tualatin Police Chief Kent Barker

Tigard Mayor Craig Dirksen, Tigard Councilors Sally Harding [6:07 p.m.], Sydney Sherwood, Nick Wilson [5:45 p.m.], and Tom Woodruff; Tigard City Manager Craig Prosser; Tigard Police Chief Bill Dickinson

Tigard-Tualatin School Board Members Caroline Neunzert, Chair; Barry Albertson, Conde Bartlett, Art Rutkin; Tigard-Tualatin School District Superintendent Rob Saxton

ALSO

PRESENT: King City Mayor Chuck Faes
Durham City Councilor Dean Gibbs

ABSENT: Tualatin Councilor Bob Boryska
Tigard-Tualatin School District Board Member Mark Chism

1. Call to Order / Introductions

Tualatin Mayor Pro Tem Truax called the meeting to order at 5:10 p.m.

Introductions were done by the city officials of Tigard, Tualatin, King City, Durham, and the Tigard-Tualatin School District Board members present. Tualatin Council President Truax welcomed all to the meeting.

2. Intergovernmental School District /City Law Enforcement Issues

Truancy Regulations

Tigard Police Chief Bill Dickinson, gave a brief PowerPoint presentation on truancy regulations. This issue was brought to Tigard's attention by a School Resource Officer. Tigard Police Officer Dan Gill was present and mentioned a recent incident of five students that were walking away from the high school campus while school was in session. Office Gill said he made contact with the students three blocks from the high school, four of the five returned to school, however the fifth student refused to return to school. There is actually no law requiring students to return to school while in session, and it has become a large problem with more students leaving while school is in session. Office Gill said there needs to be a tool in place to help get youth back in school. Tigard High School Principal Pam Henslee said it can be a problem and it would be helpful to have an avenue to keep youth in school.

Tigard Police Chief Dickinson said the first step is establish there is a problem that is growing. He gave some statistics on truancy, and said student non-attendance is a problem that goes beyond the school and community at large. At this point police do not have any authority over defiant truancy. Tigard is currently working on an ordinance to enforce Oregon's compulsory attendance law. There are some exceptions, but essentially it would require youth to be in school, which is something that would support what is already State law. Tigard Police Chief Dickinson distributed draft ordinance language that would propose to allow police officers to place students in protective custody and return them back to school, or to their parents. He emphasized it is not an "arrest". This would assist in making the system work to allow officers to help youth stay in school and continue to complete an education. This is truly in the best interest of the youth, and asked if the TTSD is supportive. TTSD Chair Neunzert said this issue would need to be brought forward on a future TTSD agenda, for the board to consider the proposal. She praised Tigard Police Chief Dickinson for his pro-active stance. TTSD Chair Neunzert said they would also need to hear from the school administrators also.

Methamphetamine - What Actions are City & School District Officials Taking

Tualatin Police Chief Kent Barker and Tigard Police Chief Bill Dickinson gave a brief presentation on what has been done to address the growing "meth" problem, one of the most dangerous drugs police have seen. Tualatin Chief Barker said Tualatin formed a Community Response Unit (CRU), and various presentations on the subject were presented on the local cable network. Unfortunately the CRU was only able to work on the problem for about 8 months, as the department was shorthanded. A video/DVD produced by the Washington County Sheriff's Office entitled "Crystal Misery", will be presented to high school students, and possibly even middle school students. It is a powerful presentation and the attempt is to get youth not to try meth in the first place. Tigard Chief Dickinson said they are doing something similar.

Tigard Chief Dickinson distributed information on drug efforts that are being done, and pamphlets also available for youth in the schools. Tualatin Mayor Ogden said he has seen the video and it is well done. He noted that Washington County was given a grant to address to the meth problem, and it was decided to approach the issue with this direction of outreach, versus hiring more officers, etc. Tualatin Mayor Ogden said he believes this is a "top priority" agenda item, and the cities and communities need to continue with significant outreach. Tualatin Councilor Chris Bergstrom said having attended and graduated from Tualatin High School, there was a peer-to-peer program, and suggested some way to incorporate positive role models that are your peers. It was asked if this video has been able to be widely distributed and Tualatin Chief Barker said it is now able to distribute globally.

Discussion followed on how to reach youth in the schools and the community and giving youth more activities to participate in the schools, etc. Mayors Ogden and Dirksen asked the School District what the cities can do, and said all should work together to address this growing problem.

School District Reaction to Possible K-9 Sweep through Schools

Tualatin City Manager Steve Wheeler said this was a suggestion by Tualatin, and the Tualatin City Council's possible interest in such a program. Brief discussion followed, and TTSD Chair Neunzert said this item would need to be part of an TTSD Board meeting agenda and could further be discussed there. TTSD Chair Neunzert said to get in contact with the TTSD Superintendent to place an item on the TTSD Board agenda. TTSD Superintendent Rob Saxton

said this suggestion is something that could be considered. TTSD Board Member Art Rutkin said there is nothing presently in the policy addressing this issue, but there are some rights of the schools as to school property ownership, and also the rights of students need to be taken into consideration.

3. **Washington County Planning on Bull Mountain**

Tualatin Mayor Ogden gave a brief background on the planning issues that are currently happening in Washington County, and urbanization in south Tualatin that could be happening. Tigard Mayor Dirksen, said Areas 63 and 64 are not contiguous to the city of Tigard, and their most recent information is Washington County may be doing the planning. Tualatin Mayor Ogden asked if Tigard is not in a position to spend funds for master planning is there a likelihood Washington County would do that. Tigard Mayor Dirksen said Tigard would be prepared to annex if the land was contiguous, but it is not. Discussion followed on how this could create a strain on city services, and infrastructure. Tigard Councilor Woodruff said it is no secret this is an issue for all cities and how Washington County will approach this and what their role will be. Discussion followed. King City Mayor Chuck Faes added that in the next few years, King City's population is going to increase ten fold due to residential development.

4. **Overview of Tualatin's Urban Renewal Program and Status Update of Tigard Urban Renewal Program**

Tualatin Community Development Director Doug Rux gave a brief presentation on Tualatin's urban renewal program. Urban renewal was created in 1979 in Tualatin. There is a 327 acre central district, and a second district, the "Leveton" district, a corporate "campus" area, in the industrial area of Tualatin, comprised of 377 acres, with no infrastructure in place. Tualatin is managing a success urban renewal program, its successes are the Tualatin Commons project, transportation projects, and also a façade improvement grant program. Both districts are moving to closeout with various projects being completed on an annual basis.

Tom Coffee, Tigard Community Development Director, distributed a excerpted copy of a report accompanying a draft City Center urban renewal plan, on what Tigard is planning for their urban renewal program. He gave a brief background on the information distributed along with the schedule timeline. Tigard Council has determined not to use the condemnation process mechanism. Discussion followed on the projected maximum indebtedness, etc. Tigard will also be discussing with Tualatin Valley Fire & Rescue, and Tigard City Manager Craig Prosser said they have held many discussions with Washington County. Tigard Mayor Dirksen pointed out this would not impact the schools with any loss of funding. TTSD Chair Neunzert said this would be an issue to be brought forward on the TTSD Board meeting agenda. Brief discussion followed.

5. **Tigard Discussion with School District Officials Regarding Possible Land Purchases**

Tigard City Manager Prosser said the City of Tigard and the Tigard-Tualatin School District Superintendent have been discussing several properties that the School District is interested in possibly selling. Tigard is in the process of looking for lands to purchase.

Dennis Koellermeier, City of Tigard Public Works Director, said they have asked their Parks Board to examine potential parkland. He said it began with 51 potential properties and is whittling down. Assuming the Tigard Council is in agreement, they would anticipate the Council would authorize continuing discussion with TTSD on a particular piece of property.

TTSD Chair Neunzert said the District will be spending the bulk of the school year having hearings on a number of properties that the School District currently holds. Decisions will need to be made on which properties would be best to keep with the School District and which to sell. TTSD Chair Neunzert said the District takes care of children first, then taxpayers, and then if there can be mutual partnerships on property disposition, it could achieve all of those goals. TTSD Superintendent Saxton said not all properties are being considered in the same way. They are looking at lots on the Alberta Rider Elementary School site, the old CF Tigard cafeteria building, the old Tualatin Elementary, old Hibbard School District Administration site, and the Avery north parcel, next to the new Tualatin Elementary. Also the back portion of the new Tualatin Elementary School site, the Byrom/Tualatin High property site, Durham Center, part of Deer Creek Elementary School property, Durham Elementary School access road, The Transportation Center off Hall, Fowler Middle School property, Templeton Elementary School access, and property needed for future school sites will be discussed. TTSD will be working this into their capital access plan with the disposition of these various properties.

6. Tualatin Discussion with School District about Disposition of the old Tualatin Elementary School and Tualatin Food Pantry

Tualatin Mayor Ogden said he has had many contacts about keeping the old Tualatin Elementary School functioning and the various social service agencies that are currently located at the school. November 3rd is the date TTSD is expecting a recommendation on the disposition of that building, and the TTSD Board is currently taking public testimony about the issue. Superintendent Saxton said many people that have ideas on how the property should be used, but to keep in mind what the mission of the School District is when making decisions such as this. The Caring Closet and the Tualatin Resource Center are School District programs, and TTSD also recognizes the need for the Tualatin Food Pantry. As mentioned decisions will need to be made and will be reviewed at their November 3rd board meeting. Tualatin Mayor Ogden again mentioned there are a number of parties that have an interest in that building, however if it comes under new ownership, etc., there will be Code issues, and Mayor Ogden said he wants to be prepared in whatever role Tualatin would have as the permitting jurisdiction. Superintendent Saxton said technically the School District does not need to conduct a public process, but the TTSD board wanted to take public input on the disposition of the various properties and November 3rd is the timeframe that was set up to make such a recommendation, and he also noted the written record is still open.

Tualatin Councilor Mike Gillespie clarified, in response to Superintendent Saxton's comments, the importance of Tualatin's stake in the old Elementary School, as it is seen as a "hub" and a big part of the community. Discussion followed. TTSD Chair Neunzert said she hopes what comes out of such a meeting as this, wants Tualatin to get hold of the superintendent, and others. Tualatin Councilor Gillespie said he is really looking to get more of a formal communication from TTSD to the Tualatin Council about the disposition of these properties. TTSD Chair Neunzert clarified that November 17th is the actual "hearing", and November 3rd is their recommendation date, in response to the Tualatin Council's concern of the quick turnaround.

Tualatin Mayor Ogden suggested getting the School District Superintendent and the Tualatin and Tigard City Managers together on the issue to be able to discuss the process further. Tigard City Manager Prosser said both he and his predecessor have had regular meetings with the TTSD superintendent and will now be including Tualatin City Manager Steve Wheeler in those regular meetings. Mr. Wheeler said he will have information to get to TTSD before November 3rd. concerning Tualatin's viewpoint on the disposition of the old Tualatin Elementary School site by the District. TTSD Chair Neunzert, in response to Tualatin Councilor Gillespie's comments, clarified Tualatin's position on getting information communicated to the city councils. Discussion followed on how to better communicate information from TTSD to the various jurisdictions. Also concern was expressed by Tigard officials on the property disposition at the Alberta Rider site, as with increases in population, once the property is gone, it is gone.

TTSD Superintendent Saxton said appears there is great concern about the property surplus and what to do with it, and he asked that the interested parties come forward to TTSD with information. Discussion followed. Tualatin Mayor Ogden reiterated that it would be helpful to have a meeting next week to further discuss the properties, and it is not Tualatin's intent to say TTSD isn't doing a good job. Mayor Ogden suggested that the cities and school district should try to work together more cohesively and communicate more of what is going on in our respective communities.

7. School District Tobacco Policy - removed from agenda.
8. Positive Aspects of the Tualatin Skate Park - removed from agenda.
9. Other Issues that May Arise


None.

10. Adjournment

The meeting adjourned at 7:15 p.m.

Steve Wheeler, Tualatin City Manager

Maureen Smith, Recording Secretary



AGENDA ITEM # 3.4
FOR AGENDA OF December 13, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Initiating Action to Transfer Jurisdiction of a Certain County Road within the City of Tigard to the City of Tigard

PREPARED BY: A.P. Duenas DEPT HEAD OK A.P. Duenas CITY MGR OK UMRCP

ISSUE BEFORE THE COUNCIL

Should Council approve the attached resolution requesting that the Commissioners of Washington County transfer jurisdiction of a portion of SW 95th Avenue within the City of Tigard to the City.

STAFF RECOMMENDATION

Staff recommends that Council approve the attached resolution requesting transfer of jurisdiction on a portion of SW 95th Avenue to the City of Tigard.

INFORMATION SUMMARY

A segment of SW 95th Avenue from approximately 85 feet north of SW North Dakota Street to Highway 217 lies within the City of Tigard and has been assumed to be a City street for many years. Washington County staff recently discovered that an official transfer of jurisdiction has not occurred for this particular segment and wishes to correct that oversight by transferring this segment of road to the City. The City concurs with this transfer to ensure continuity of jurisdiction for its street system in this area of the City.

County roads with designated County road numbers have to be transferred by separate action in accordance with ORS 373.270(6). The transfer process begins with a Council resolution requesting that the Commissioners of Washington County transfer jurisdiction of a road, or roads, to the City. The Commissioners then act on the request in accordance with ORS 373.270(6) to execute the transfer.

The attached resolution begins the transfer process for that segment of SW 95th Avenue not currently under City jurisdiction. That segment of 95th Avenue is listed as County Road No. 1018, and extends from approximately 85 feet north of SW North Dakota Street to the northerly boundary of State Highway 217. The actual street connects to SW Shady lane and does not proceed into the Highway 217 right-of-way. However, to ensure that no segments of that road are left under County jurisdiction, the entire segment as described under County Road No. 1018 would be transferred through this request.

OTHER ALTERNATIVES CONSIDERED

Leave the street under Washington County jurisdiction.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution with Exhibits A and B

FISCAL NOTES

There are no costs involved in the transfer of jurisdiction.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-

A RESOLUTION INITIATING ACTION TO TRANSFER JURISDICTION OF A CERTAIN COUNTY ROAD (SEGMENT OF SW 95TH AVENUE) WITHIN THE CITY OF TIGARD TO THE CITY OF TIGARD.

WHEREAS, ORS 373.270(6) provides a mechanism to transfer jurisdiction of County Roads within a City to a City; and

WHEREAS, that segment of SW 95th Avenue from approximately 85 feet north of SW North Dakota Street to the northerly right-of-way of State Highway 217 is within the City of Tigard and has been assumed to be a City street for many years; and

WHEREAS, Washington County has discovered that the segment has not been officially transferred from County to City jurisdiction and wishes to correct that oversight by transferring the road to the City of Tigard; and

WHEREAS, the City has jurisdiction over all other segments of 95th Avenue within the City Limits; and

WHEREAS, the City of Tigard has determined it necessary, expedient and for the best interests of the City to acquire jurisdiction over that segment of SW 95th Avenue to the same extent as it has over other public streets and alleys of the City.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby requests that the Commissioners of Washington County, Oregon transfer jurisdiction of that segment of SW 95th Avenue, described and depicted in Exhibits "A" and "B" attached hereto, to the City of Tigard; said request to be granted or denied within one year of the execution of this Resolution.

SECTION 2: This Resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

EXHIBIT "A"

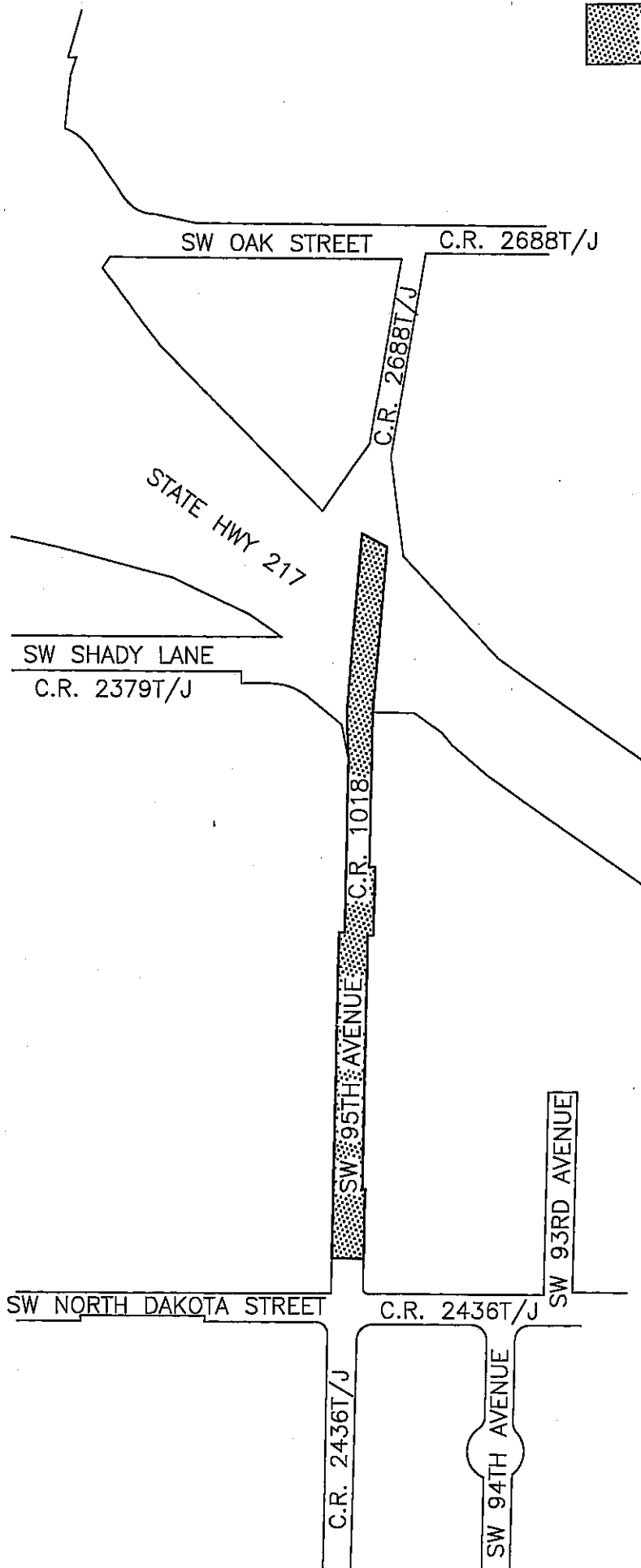
1. SW 95TH AVENUE

**FROM ±85 FEET NORTH OF SW NORTH DAKOTA STREET TO THE
NORTHERLY RIGHT OF WAY OF STATE HIGHWAY 217**

SEE EXHIBIT "B"

All that portion of County Road No. 1018 lying between those portions of said road transferred to the City of Tigard in C.R. 2436T/J and C.R. 2688T/J. Said road being situated in the North one-half of Section 35, T1S, R1W, W.M.

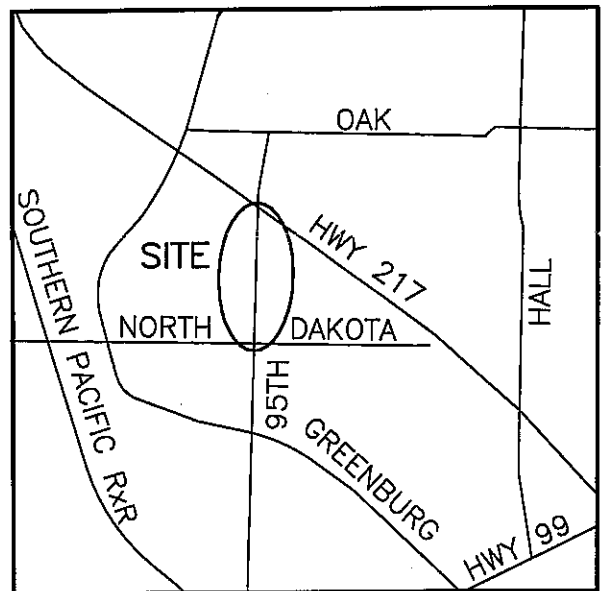
TRANSFER OF JURISDICTION



SW 95TH AVENUE




NOT TO SCALE



VICINITY MAP

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Lease a Portion of the Canterbury Property to Washington County Consolidated Communications Agency for Construction of an Emergency Communication Tower

PREPARED BY: Dennis Koellermeier DEPT HEAD OK  CITY MGR OK Sam for CP

ISSUE BEFORE THE COUNCIL

Consider leasing a portion of the Canterbury property to Washington County Consolidated Communications Agency for construction of an emergency communication tower.

STAFF RECOMMENDATION

Staff recommends the City Council approve the lease with Washington County Consolidated Communications Agency, allowing the agency to proceed with construction of an emergency communication tower on the Canterbury property.

INFORMATION SUMMARY

The City of Tigard is a member of Washington County Consolidated Communications Agency (WCCCA). This agency provides 9-1-1 service and public safety communications for police, fire and emergency medical services in Tigard and throughout Washington County.

Lapses in emergency communication coverage exist in the Tigard/Durham area. In response to complaints from emergency service providers, WCCCA has evaluated emergency communication coverage in our area. The agency determined that lapses in communication are related to hilly terrain. In order to improve local emergency communication and eliminate gaps in coverage, WCCCA has proposed construction of an additional emergency communication tower. The city's Canterbury property has been identified as an ideal site for the new facility.

Part of the Canterbury property is used for the city's water system and the Tigard Water District (TWD) is the actual owner of the property. At their October 24, 2005 meeting, the TWD board authorized the Intergovernmental Water Board (IWB) and the City Council to execute the emergency communication tower lease. Additionally, WCCCA has applied for, and obtained, land use approval for a communication tower at the Canterbury site. The Intergovernmental Water Board, after reviewing a presentation from WCCCA, is now recommending the City Council execute the lease agreement.

Since this is an agreement between two public agencies, and as a WCCCA member Tigard will share in the cost of the lease, staff believes it is appropriate to assess WCCCA a nominal fee. In addition, Tigard citizens living in the vicinity of the tower will benefit from improved emergency communication coverage. Section 18 of the lease

addresses subleasing commercial space on the tower and identifies Tigard as the recipient of any revenue resulting from sublease agreements. WCCCA will be responsible for the insurance and annual operating costs of the facility.

OTHER ALTERNATIVES CONSIDERED

Decline to lease a portion of the Canterbury property to WCCCA for construction of an emergency communication tower. However, WCCCA would need to search for another site, and any such site is likely to result in greater costs to the city through its participation in WCCCA.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #1 "The community residents, business owners, and service providers will understand their roles through effective communication to successfully enhance public safety and emergency services."

Goal #3 "The Community will be trained and prepared for emergencies."

ATTACHMENT LIST

Lease Agreement
Exhibit A, Site Plan

FISCAL NOTES

WCCCA will be responsible for the construction, insurance and annual operating costs of the facility. Aside from its participation in WCCCA, the city will not bear any of the expense related to the project.

COMMUNICATIONS FACILITY SITE LEASE

THIS Lease agreement entered this _____ day of November 2005 by and between The City of Tigard (Lessor), and Washington County Consolidated Communications Agency, an ORS 190 Organization, Beaverton, Oregon (Lessee).

WHEREAS Lessor is the owner of certain real property located in Washington County, State of Oregon, at 10310 SW Canterbury Lane Tigard, Oregon and hereinafter referred to as the Property, and;

WHEREAS Lessee desires to Lease an approximate 1,500 square foot portion of the property more particularly shown on Exhibit "A" attached hereto (herein referred to as the Site) for the purpose of erecting and operating thereon a radio communication tower, building, fencing and associated facilities (herein referred to as the Communications Facility), and;

WHEREAS Lessor desires to lease the Site to Lessee upon the terms and conditions hereinafter set forth, and;

NOW THEREFORE in consideration of the mutual promises contained herein agree as follows:

1. Leased Rights: Lessor does hereby lease to Lessee the Site together with a nonexclusive easement for the right-of-way of ingress and egress to and from the Site from the nearest adjacent roadway, with the right to use existing roads (the Easement).

In addition, Lessee shall have the temporary right to use such portion of the Property along or adjacent to the Site only for so long as may be necessary for the construction, maintenance, repair, alteration, removal or replacement, as applicable, of the Communications Facility so long as such temporary use, as determined in the exclusive discretion of Lessor, does not unreasonably interfere with Lessor's use of the property.

2. Authority: Lessor covenants and warrants, that Lessor has the title to the Property and that Lessor has the right and authority to enter into this Lease. Lessee shall not have priority over or interfere with existing uses on the Property. Lessor makes no warranties or guaranties with regard to the Property, and specifically does not guarantee, warrantee or in any other way covenant and agree that there shall be no interference of Lessee's proposed use of the Site from the use on the Property as of the date of the Lease. Lessee has made its own investigation of the Property and is relying solely upon such investigation, and not upon any written or verbal representations of Lessor or any of its agents, employees or representatives, with regard to the status of the Property and its fitness for Lessee's intended use.
3. Lease Term: The primary term of this Lease shall commence on the date Lessee executes this Lease and terminate on the ten (10) year anniversary of such date, provided, that extensions to the term of the Lease may be granted as hereinafter set forth. Lessee may terminate the Lease upon not less than ninety (90) days written notice to Lessor. If Lessee should provide such notice, Lessee shall not be entitled to any refund of fees previously paid. Lessor may not terminate the Lease except by consent of lessee and by written notice to Lessee given not more than one year nor less than one hundred and eighty (180) days prior to the expiration of the initial ten-year term or the expiration of subsequent five year terms as applicable.
4. Lease Renewal: If this Lease has not been terminated prior to the expiration of the initial term or any subsequent term agreed upon by the parties as hereinafter provided, Lessee may give written notice to Lessor not later than ninety (90) days prior to the expiration date of a term requesting an opportunity to negotiate with Lessor for an additional term of not less than five (5) years. Any such additional lease term shall be on such terms and conditions as the parties shall then agree.

5. Consideration:

- 5.1 Lease Fees: As consideration for the use of the Site, Lessee shall pay Lessor a fee in the amount of \$1.00 per year. Rent shall be paid in advance on or before the first day of each year.
- 5.2 Damages to the Property: Lessee shall repair or pay to Lessor the cost of repair for any damage done to the Property, including the land and improvements of Lessor and improvements to or personal property located on the Property owned by any person or entity, caused by, arising from or related to Lessee's use of the Property. Lessee agrees to indemnify and hold harmless the Lessor from any claims, damages harm or loss of whatever kind or nature arising from or related to Lessee's use of the Property. Lessee's duty to indemnify Lessor includes the duty to defend Lessor, at Lessee's cost, from such claims damages, harm or loss, by legal counsel reasonably acceptable to Lessor. The provisions of this Section 5.2 shall survive the termination of this Lease.
6. Use and Alteration: The Site shall be used and occupied by Lessee for the construction and operation of a Communications Facility and activities incident, related or similar thereto, including, without limitation, maintenance, repair or removal of and additions or alterations to the Communications Facility, subject to the limitations of use set forth in this Lease.
7. Ownership of Communications Facility: The Communications Facility and any alterations or additions thereto which may be constructed by Lessee on the Site shall be owned by Lessee and shall be removed by Lessee upon termination of this Lease, and any damage to the Property caused by or incurred as a result of such removal shall be repaired or paid for by Lessee in accordance with the provisions of Section 5.2 hereof.. In the event that Lessee does not remove the Communications Facility within thirty (30) days of the termination of this Lease, Lessor shall give Lessee thirty (30) days written notice to remove the Communications Facility. At the end of the thirty (30) day notice period, if Lessee has still failed to remove the Communications Facility and any buildings and improvements which may be erected on the Site and all appurtenances thereto they shall be removed by Lessor, and Lessee shall pay all costs of removal including all attorney fees incurred by Lessor. The provisions of this Section 7 shall survive any termination of this Lease.
8. Repair and Maintenance: Lessee shall, during the term of this Lease, at its own cost and expense, keep and maintain the Site, grounds, Communications Facility and any buildings and improvements which may be erected on the Site and all appurtenances thereto in good order and repair and shall allow no nuisances to exist or be maintained. Lessor shall not be obligated to make any repairs, replacements, or renewals of any kind, nature or description whatsoever to the Site of the Communications Facility or any appurtenances thereto.
9. Notices: All notices, requests, demands or other communications provided for or permitted or required by this Lease shall be deemed given and received upon the earlier of actual delivery in writing to the following address or three (3) days after such shall be deposited in the United States Mail, postage paid by registered or certified mail, return receipt requested, addressed as follows:

LESSOR: The City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223
Attn: Director of Public Works

LESSEE: WCCCA
PO Box 6375
Beaverton, OR 97007
Attn: Director

10. Damage and Destruction: If the whole of the Site or the Communications Facility or such portion thereof as will make the Site or the Communications Facility unsuitable for Lessee's business is damaged or destroyed by events not caused by Lessee, then in either of such events, this Lease shall terminate upon written notice of such termination given by Lessee. If any portion of the Site is damaged or destroyed by events not caused by Lessee, and the Lease is not terminated under the provisions of the immediately preceding sentence, then the fees of the remaining portion of the Site shall be equitably reduced.
11. Condemnation: If the whole of the Site or such portion thereof as will make the Site unsuitable for Lessee's business is condemned for any public use or purpose by any legally constituted authority, then in either of such events, at Lessee's option, this Lease shall terminate as of the time when possession is taken by such public authority, and the fees of the Site shall be abated. If any portion of the Site is condemned for any public use or purpose by any legally constituted authority, and this Lease is not terminated under the provisions of the immediately preceding sentence, then the fees on the remaining portion of the Site shall be equitably reduced. Lessee agrees that Lessor shall be entitled to all compensation paid for condemnation of all or any part of the Site excluding the compensation paid for all or any portion of the Communications Facility.
12. Lessee's Right to Cure; Lessor's Remedies: In the event Lessee defaults in performance, or observation of any of the covenants, obligations or conditions, other than payment which is governed by Section 5, on its part to be performed or observed under this Lease, Lessor shall, before exercising any right or remedy provided herein or by law, give Lessee written notice of the default which shall be cured by Lessee within thirty (30) days. If the default is one which, due to its nature, cannot reasonably be cured within thirty (30) days, Lessee shall be deemed to have cured the default if Lessee has commenced the actions necessary to effect a cure within said thirty (30) day period, and thereafter diligently proceeds with all actions necessary to effect a complete cure. If at the expiration of the applicable period, cure has not occurred, Lessor may exercise any available right or remedy, including termination of this Lease.
13. Lessor's Right to Cure; Lessee's Remedies. In the event the Lessor defaults in performance or observation of any of the covenants, obligations or conditions on its part to be performed or observed under this Lease, Lessee shall, before exercising any right or remedy provided herein or by law, give Lessor thirty (30) days written notice of the default or such longer period of time as may be reasonably required to cure a default which, due to its nature, cannot reasonably be cured within thirty (30) days, if during said thirty (30) day period, Lessor commences efforts designed to affect a cure and thereafter diligently pursues such efforts. If at the expiration of said period, cure has not occurred, Lessee may, so long as the default remains uncured, in the place and stead of Lessor, make the payment or accomplish the performance or observance with respect to which Lessor is in default, and in the event Lessee does so, all sums necessarily expended and costs and expenses reasonably incurred by Lessee in connection therewith shall be payable by Lessor to Lessee upon demand.
14. Restrictive Covenants. During the term of this Lease, Lessor shall not use the Property in any manner which would adversely affect the operation of the Communications Facility or use the Site or erect or place thereon any structure, vegetation or other condition which would obstruct the transmission of radio frequencies to or from the Communications Facility or otherwise interfere with operation of the Communications Facility or use of the Site. Lessee's sole remedy for a breach by Lessor of this covenant shall be the right to terminate the Lease. Upon written notice to Lessor specifying proposed actions, and subject to prior written approval by Lessor which may be conditioned, granted or withheld in the exclusive discretion of Lessor, Lessee may, at its own expense, control or remove natural vegetative growth on the Site. Lessee shall be liable for all damages, whether to the land or improvements of Lessor or any other, which may be caused by erosion created by the removal of any vegetation. The provisions of this paragraph shall apply to all officers, directors, subsidiaries or affiliates of Lessee or Lessor, if applicable, and shall be binding upon the successors and assigns of Lessor and Lessee.

15. Hazardous Materials. Lessee shall not cause or permit any hazardous material to be brought upon, kept or used in or about the Site or the Property by Lessee, its agents, employees, contractors or invitees without the prior written consent of Lessor, which shall not be unreasonably withheld as long as Lessee demonstrates to Lessor's reasonable satisfaction that such hazardous material is necessary or useful to the Lessee's business and will be used, kept, and stored in a manner that complies with all laws regulating any such hazardous material so brought upon or used or kept in or about the Site or the Property. Lessor hereby acknowledges and approves that Lessee has the right to conduct its business of operating a communications site and thus will utilize batteries as power backup, diesel fuel to power its generator, and equipment which may contain or be considered hazardous materials which Lessee shall comply with all laws related thereto. As used in this paragraph, the term "hazardous material" means any hazardous or toxic substance, material, or waste, including but not limited to, those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the United States Environmental Protection Agency as a hazardous substance (40 CFR Part 302) and amendments thereto, petroleum products, or such other substances, materials, and wastes that are or become regulated under applicable local, state or federal law.
16. Liens: Each party hereto shall keep the Site free from liens arising out of the work performed, common materials furnished or obligations incurred by such parties, and shall indemnify, hold harmless and defend the other party from any liens and encumbrances arising out of work performed or materials furnished by or at the direction of the party requesting the same.
17. Indemnity. Lessee shall indemnify and hold harmless Lessor, its officers, directors, employees, agents, affiliates and subsidiaries, from and against any and all claims arising from Lessee's use of the Site, the Communications Facility, the easement, the Property, or the conduct of its business or from any activity, work or thing done, permitted or suffered by Lessee in or about the Site or the Property, and shall further indemnify and hold harmless Lessor from and against any and all claims arising from any breach or default by Lessee in the performance of its obligations hereunder and from and against any and all costs and expenses and liabilities, including, but not limited to, attorneys fees and litigation costs, incurred in connection with such claim. The provisions of this Section 17 will survive the termination of this Lease.
18. Assignments and Subletting.
- A. This Agreement shall run with the Property and shall be binding upon and inure to the benefit of the parties, their respective successors, personal representatives and assigns.
 - B. Lessee may not assign or sublease the Premises during the term of this Agreement. Lessor may assign this Agreement at Lessor's sole discretion. Lessor may sublease the Premises for the purpose of installing, operating and maintaining a public service antenna upon obtaining Lessee's consent, which consent shall not be unreasonably withheld. The rent for this sublease shall be \$1.00 per year. The sublease shall contain terms that prohibit the public service antenna from interfering with the operation of the Communications Facility and such other commercially reasonable terms acceptable to both parties.
 - C. Lessor may also sublease antennae space and cable routes at prescribed tower elevations to other tenants upon obtaining Lessee's consent, which consent shall not be unreasonably withheld. Lessor will pay Lessee One Dollar (\$1.00) per year for each sublease. Lessor shall receive all subleasing revenue. The land use applications shall show the proposed future antenna locations on the tower. The sublease shall be set forth in an agreement by and between Lessor and subtenant, and approved by Lessee. The sublease agreement shall at a minimum contain terms that prohibit the subtenant's antenna from interfering with the operation of the Communications Facility and other commercially reasonable terms acceptable to both parties. Each subtenant's ground equipment shall be located outside of Lessee's fenced Premises except for required cable routings to and on the tower. Lessee shall permit each subtenant access to the fenced Premises to install and maintain such subtenant's cabling and antenna system.

19. Holding Over. If Lessee remains in possession of all or any part of the Site after the expiration of the term hereof with the express consent of the Lessor, such tenancy shall be from month to month only, and not a renewal hereof or an extension for any further term, then in such case, fee or other monetary sums due hereunder, shall be paid on the fifth (5th) of each month in an amount of one-twelfth (1/12) of the fee described in paragraph 5 hereof, and such month-to-month tenancy shall be subject to every other term, covenant and agreement contained herein

20. Insurances. Lessee shall provide and maintain public liability and property damage coverage through its self insurance fund with limits of \$1,000,000 for injury to one person: \$1,000,000 for injury to two or more persons in any one occurrence and \$1,000,000 for damage to property. Such self-insurance coverage shall cover all risks arising directly or indirectly out of Lessee's activities on or any condition of the Leased Land. Said coverage shall provide for Lessor to be named as an additional insured.

The parties agree that said liability and property damage insurance requirements shall be reviewed periodically and maintained at levels acceptable to Lessor.

In connection with the above, Lessee shall maintain in force during the performance of this Lease agreement, at its expense, Workmen's Compensation Insurance or equivalent insurance.

21. Taxes and Assessments. Lessee agrees to pay to Lessor when billed, all lawful assessments and charges which Lessor is required to pay because of Lessee's use of the Site, including any real property or personal property tax or fire protection assessments which Lessor shall receive and be required to pay as a result of Lessee's use and operations from or upon the Site. This obligation shall include all real property or personal property tax or fire protection assessments attributable to the improvements themselves and the increase in the value of land occasioned by such improvements. The failure of the Lessee to pay any and all of these taxes upon demand by Lessor shall be grounds, upon the expiration of three (3) months from the date of demand, for the immediate and irrevocable expiration and reversion of this Lease and all rights granted hereunder.

22. Entire Agreement. This Lease constitutes the entire agreement between the parties hereto and cannot be varied except by the written agreement of the parties hereto.

23. Time. Time is of the essence of this Lease.

24. Governing Law. This Lease and all rights and liabilities of the parties hereunder shall be construed and governed by the laws of the State of Oregon.

25. Successors in Interest. This Lease shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

26. Arbitration. All disputes, controversies or claims arising out of or relating to this Lease shall be settled by expedited mandatory arbitration in accordance with the rules of the Arbitration Service of Portland, Inc. as are in effect as of the date of this Lease. The award rendered by the arbitrator(s) shall be final. Notice of the demand for arbitration shall be filed in writing with the other party and with the Arbitration Service of Portland, Inc. The arbitration shall take place in Portland, Oregon. The prevailing party, as determined by the arbitrator, shall be entitled to an award of reasonable attorney fees. All aspects of the arbitration shall be considered confidential and will not be disclosed without the prior written consent of both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date of execution by the last party to sign this Lease.

LESSOR:
The City of Tigard

LESSEE:
Washington County Consolidated Communications Agency

By: Mayor Craig Dirksen

Director: Paul Pedersen

Address: 13125 SW Hall Boulevard
Tigard, OR 97223

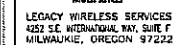
Federal Tax ID# 93-0503940

Reviewed as to form:

Legal Counsel

10178726v2

NOT FOR
SUBMITTAL/
NOT FOR
CONSTRUCTION



346 EX 41, 47E, 50E, 51E, 52E, 53E, 54E, 55E, 56E, 57E, 58E, 59E, 60E, 61E, 62E, 63E, 64E, 65E, 66E, 67E, 68E, 69E, 70E, 71E, 72E, 73E, 74E, 75E, 76E, 77E, 78E, 79E, 80E, 81E, 82E, 83E, 84E, 85E, 86E, 87E, 88E, 89E, 90E, 91E, 92E, 93E, 94E, 95E, 96E, 97E, 98E, 99E, 100E, 101E, 102E, 103E, 104E, 105E, 106E, 107E, 108E, 109E, 110E, 111E, 112E, 113E, 114E, 115E, 116E, 117E, 118E, 119E, 120E, 121E, 122E, 123E, 124E, 125E, 126E, 127E, 128E, 129E, 130E, 131E, 132E, 133E, 134E, 135E, 136E, 137E, 138E, 139E, 140E, 141E, 142E, 143E, 144E, 145E, 146E, 147E, 148E, 149E, 150E, 151E, 152E, 153E, 154E, 155E, 156E, 157E, 158E, 159E, 160E, 161E, 162E, 163E, 164E, 165E, 166E, 167E, 168E, 169E, 170E, 171E, 172E, 173E, 174E, 175E, 176E, 177E, 178E, 179E, 180E, 181E, 182E, 183E, 184E, 185E, 186E, 187E, 188E, 189E, 190E, 191E, 192E, 193E, 194E, 195E, 196E, 197E, 198E, 199E, 200E, 201E, 202E, 203E, 204E, 205E, 206E, 207E, 208E, 209E, 210E, 211E, 212E, 213E, 214E, 215E, 216E, 217E, 218E, 219E, 220E, 221E, 222E, 223E, 224E, 225E, 226E, 227E, 228E, 229E, 230E, 231E, 232E, 233E, 234E, 235E, 236E, 237E, 238E, 239E, 240E, 241E, 242E, 243E, 244E, 245E, 246E, 247E, 248E, 249E, 250E, 251E, 252E, 253E, 254E, 255E, 256E, 257E, 258E, 259E, 260E, 261E, 262E, 263E, 264E, 265E, 266E, 267E, 268E, 269E, 270E, 271E, 272E, 273E, 274E, 275E, 276E, 277E, 278E, 279E, 280E, 281E, 282E, 283E, 284E, 285E, 286E, 287E, 288E, 289E, 290E, 291E, 292E, 293E, 294E, 295E, 296E, 297E, 298E, 299E, 300E, 301E, 302E, 303E, 304E, 305E, 306E, 307E, 308E, 309E, 310E, 311E, 312E, 313E, 314E, 315E, 316E, 317E, 318E, 319E, 320E, 321E, 322E, 323E, 324E, 325E, 326E, 327E, 328E, 329E, 330E, 331E, 332E, 333E, 334E, 335E, 336E, 337E, 338E, 339E, 340E, 341E, 342E, 343E, 344E, 345E, 346E, 347E, 348E, 349E, 350E, 351E, 352E, 353E, 354E, 355E, 356E, 357E, 358E, 359E, 360E, 361E, 362E, 363E, 364E, 365E, 366E, 367E, 368E, 369E, 370E, 371E, 372E, 373E, 374E, 375E, 376E, 377E, 378E, 379E, 380E, 381E, 382E, 383E, 384E, 385E, 386E, 387E, 388E, 389E, 390E, 391E, 392E, 393E, 394E, 395E, 396E, 397E, 398E, 399E, 400E, 401E, 402E, 403E, 404E, 405E, 406E, 407E, 408E, 409E, 410E, 411E, 412E, 413E, 414E, 415E, 416E, 417E, 418E, 419E, 420E, 421E, 422E, 423E, 424E, 425E, 426E, 427E, 428E, 429E, 430E, 431E, 432E, 433E, 434E, 435E, 436E, 437E, 438E, 439E, 440E, 441E, 442E, 443E, 444E, 445E, 446E, 447E, 448E, 449E, 450E, 451E, 452E, 453E, 454E, 455E, 456E, 457E, 458E, 459E, 460E, 461E, 462E, 463E, 464E, 465E, 466E, 467E, 468E, 469E, 470E, 471E, 472E, 473E, 474E, 475E, 476E, 477E, 478E, 479E, 480E, 481E, 482E, 483E, 484E, 485E, 486E, 487E, 488E, 489E, 490E, 491E, 492E, 493E, 494E, 495E, 496E, 497E, 498E, 499E, 500E, 501E, 502E, 503E, 504E, 505E, 506E, 507E, 508E, 509E, 510E, 511E, 512E, 513E, 514E, 515E, 516E, 517E, 518E, 519E, 520E, 521E, 522E, 523E, 524E, 525E, 526E, 527E, 528E, 529E, 530E, 531E, 532E, 533E, 534E, 535E, 536E, 537E, 538E, 539E, 540E, 541E, 542E, 543E, 544E, 545E, 546E, 547E, 548E, 549E, 550E, 551E, 552E, 553E, 554E, 555E, 556E, 557E, 558E, 559E, 560E, 561E, 562E, 563E, 564E, 565E, 566E, 567E, 568E, 569E, 570E, 571E, 572E, 573E, 574E, 575E, 576E, 577E, 578E, 579E, 580E, 581E, 582E, 583E, 584E, 585E, 586E, 587E, 588E, 589E, 590E, 591E, 592E, 593E, 594E, 595E, 596E, 597E, 598E, 599E, 600E, 601E, 602E, 603E, 604E, 605E, 606E, 607E, 608E, 609E, 610E, 611E, 612E, 613E, 614E, 615E, 616E, 617E, 618E, 619E, 620E, 621E, 622E, 623E, 624E, 625E, 626E, 627E, 628E, 629E, 630E, 631E, 632E, 633E, 634E, 635E, 636E, 637E, 638E, 639E, 640E, 641E, 642E, 643E, 644E, 645E, 646E, 647E, 648E, 649E, 650E, 651E, 652E, 653E, 654E, 655E, 656E, 657E, 658E, 659E, 660E, 661E, 662E, 663E, 664E, 665E, 666E, 667E, 668E, 669E, 670E, 671E, 672E, 673E, 674E, 675E, 676E, 677E, 678E, 679E, 680E, 681E, 682E, 683E, 684E, 685E, 686E, 687E, 688E, 689E, 690E, 691E, 692E, 693E, 694E, 695E, 696E, 697E, 698E, 699E, 700E, 701E, 702E, 703E, 704E, 705E, 706E, 707E, 708E, 709E, 710E, 711E, 712E, 713E, 714E, 715E, 716E, 717E, 718E, 719E, 720E, 721E, 722E, 723E, 724E, 725E, 726E, 727E, 728E, 729E, 730E, 731E, 732E, 733E, 734E, 735E, 736E, 737E, 73

REVISIONS		
NO.	DATE	
1		
2		
3		
4		
5		

CANTERBURY

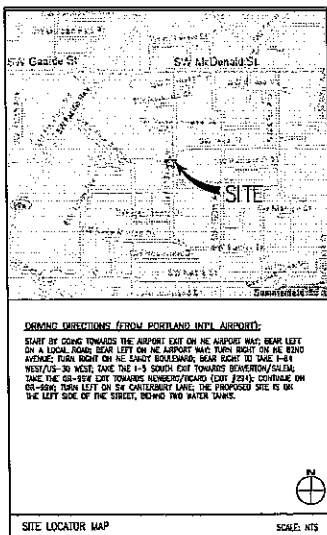
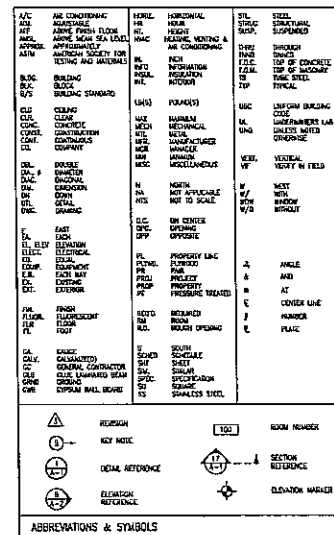
JOB NUMBER
240074

SITE ADDRESS
10310 SW CANTERBURY
TIGARD, OR 9722
WASHINGTON COUNTY

SHEET NUMBER

1-9

PLOT SCALE:



DESIGN TEAM LEAD
PU ASSOCIATES, PORTLAND
 506 SW 6TH AVENUE, SUITE 800
 PORTLAND, OR 97204
 TEL: 503.229.1840
 FAX: 503.229.1878
 CONTACT: JOHN CRAIG

CONSULTANT TEAM

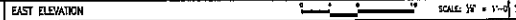
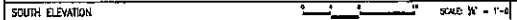
PROJECT SUMMARY

SITE NAME:
CANTERBURY

1000

DOCUMENT REVIEW	DATE
UNANIMOUS	_____
SITE ADMINISTRATION	_____
ZONING	_____
BY ENGINEER	_____
PROJECT MANAGER	_____
CONCRETE MANAGER	_____
OPERATIONS MANAGER	_____
OTHER	_____

APPROVALS



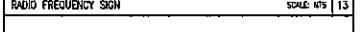
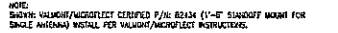
KEY NOTE LEGEND

KEY NOTE LEGEND

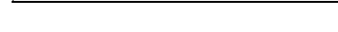
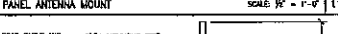
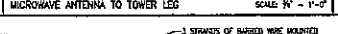
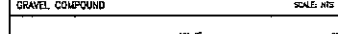
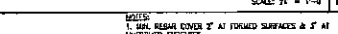
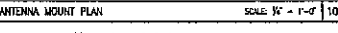
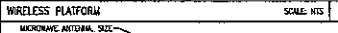
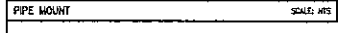


INSTEAD OF:

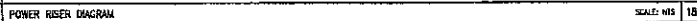
SITE: CANTERBURY
OWNER: WCCCA
CONTACT: 503-690-4111



2. CONTRACTOR TO NOTIFY PROJECT MANAGER OF ANY DISCREPANCIES WITH THE PROPOSED LAYOUT PRIOR TO PROCEEDING.
3. ALL PIPES, BRACKETS, PLATES AND MISC. HARDWARE TO BE GALVANIZED UNLESS OTHERWISE NOTED.
4. ALL ANTENNA AND COAXIAL ANTENNA CABLE TO BE FURNISHED BY LESSEE/OPERATOR AND INSTALLED BY CONTRACTOR.
5. ALL HARDWARE AND CONNECTORS TO BE GALVANIZED UNLESS OTHERWISE NOTED.
6. ANTENNA MOUNT DETAILS SHOWN IN THIS DRAWING SET ARE FOR INFORMATION AND LAYOUT ONLY. DESIGN AND ANALYSIS BY OTHERS.



SITE NAME



See JE 64 JTC, BUCKING FORWARDS, Chapter 17

15

PLOT SCALE:

Agenda Item No.: 3.6
Meeting of: December 13, 2005

Packet materials for the

PLANNING COMMISSION APPOINTMENTS

will be forwarded to Council in their Friday mail packet and will
be available in hard copy on Friday, December 9, 2005

For more information, contact the City Recorder's Office at
503-639-4171.

AGENDA ITEM # 4
FOR AGENDA OF 12/13/05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formal Graduation of Tigard's Community Emergency Response Team (CERT) Volunteer Program Class IV

PREPARED BY: Mike Lueck DEPT HEAD OK DK CITY MGR OK gmmfwp

ISSUE BEFORE THE COUNCIL

Meeting the neighborhood volunteers who are the fourth graduating class of the City's Community Emergency Response Team (CERT) Program and provide some background information on where the program is now.

STAFF RECOMMENDATION

No action required; informational only.

INFORMATION SUMMARY

The City of Tigard's "Partners Being Prepared" program, Community Emergency Response Team (CERT) is designed to help our neighborhoods be ready for unexpected disasters. If a disaster overwhelms or delays the community's emergency services, CERT team members can provide life saving assistance, such as disaster medical aid, search and rescue and fire suppression during the critical first minutes. With the technical assistance of local emergency services, Tualatin Valley Fire and Rescue (TVFR), Tigard has trained an additional nine volunteers in basic response skills. The City's fourth class rotation was completed on October 29, 2005. Currently, through several advertisement avenues, the City is promoting its fifth class. The trainers, facilities and materials are being funded through a federal grant. The training and skills that these individuals received will help do the "greatest good for the greatest amount of people" in our community following a disaster until help arrives.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: The program through initial and enhancement training will maximize the volunteer's effectiveness in emergency and non-emergency events, developing a strong partnership in emergency preparedness and community caring.

ATTACHMENT LIST

1. Sample copy of the "Achievement Certificate."
2. List of graduates.

FISCAL NOTES

The City of Tigard's CERT program is 99% federally funded through a Department of Homeland Security (DHS) and Federal Emergency Management Administration (FEMA) Grant. The grant is overseen by Oregon Department of State Police and Oregon Emergency Management (OEM) and managed by the City's CERT Coordinator. In FY '04 the City originally requested \$23,993.18 and was awarded \$4,509. The City has used the remainder of the FY '04 grant. The program has been awarded over \$10,000 in the last two years, all of which has been executed to date. The City is awaiting confirmation for additional federal grant money to support this program through 2006.



Certificate of Completion
This certificate signifies that

CITIZEN VOLUNTEER

Has attended and successfully completed the
Community Emergency Response Team Course
Conducted by
City of Tigard and Tualatin Valley Fire and Rescue
September 6th – October 29th, 2005, 24 Hour Course – TPBP104



“PARTNERS BEING PREPARED”



City of Tigard

G. Michael Lueck
Course Manager

Craig Dirksen
City Mayor

TPBP 104 GRADUATES

December 13, 2005

Terri Sweet

Judy Stack

Tom Harper

Sheila LaChance

Jim Lawson

Julie Wagar

Byron Wagar

Mary Bauman

Wayne Bauman

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Washington County Cooperative's 2005 Executive Award for Excellence

PREPARED BY: Dennis Koellmermeier DEPT HEAD OK  CITY MGR OK E. M. Fur CP

ISSUE BEFORE THE COUNCIL

Presentation of the "Washington County Cooperative's 2005 Executive Award for Excellence" to HSBC Card Services located in the City of Tigard.

STAFF RECOMMENDATION

For Tigard Mayor Craig Dirksen to officially present the Washington County Cooperative's 2005 Executive Award for Excellence to Mr. David Neenan, Managing Director of HSBC Card Services, North America.

INFORMATION SUMMARY

The City of Tigard, in conjunction with many other Washington County cities, is a member of the Washington County Cooperative Recycling Program. The Cooperative Recycling Program develops recycling and collection services and provides public education and solid waste management, including waste reduction program planning. The cooperative works with the city to achieve state-mandated and regional waste recovery goals.

The Executive Award for Excellence is an annual Washington County Cooperative recycling award, also known as the R3 award. Businesses receiving the award must demonstrate accomplishments in reducing, reusing, and recycling waste. The competition is open to all businesses in the Washington County Cooperative Recycling Program area, even if headquartered outside the cooperative. The purpose of the award is to recognize businesses that demonstrate excellence beyond "normal" recycling. Award recipients are divided into three categories, small, medium, and large, based upon the volume of garbage they generate. The 2005 award recipients are:

- ✓ HSBC, North America of Tigard (large business)
- ✓ Epson Portland, Inc. of Hillsboro (medium business)
- ✓ Browning Law Offices, PC of Forest Grove (small business)

HSBC Card Services is the largest employer in Tigard. Last year, to help reduce carbon dioxide emissions, HSBC became the first global corporation to become "carbon neutral," pledging to use recycled products in its 10,700 buildings around the world. The company has also been named one of Oregon's 100 Best Employers for the past three years for providing employee benefits such as carpool incentives, free bus passes and flexible work schedules.

At the December 13, 2005 Council meeting, Mr. David Neenan, Managing Director of HSBC Card Services, will formally accept the Washington County Cooperative's 2005 Executive Award for Excellence, presented by Mayor Dirksen.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

No costs are associated with the presentation of the award.

City Attorney's Statement on Procedures
Public Comment from Taxing Districts
on the Urban Renewal Plan and
the Proposed Ballot Title
Agenda Item No. 7
December 13, 2005

Statement by City Attorney – Quasi-Judicial Land Use Hearing Procedures

The City Council previously heard testimony regarding the City Center Urban Renewal Plan, closed the hearing on the adoption of the Plan, and adopted an ordinance adopting the plan and referring it to the voters for final approval. Since adoption of the ordinance, the City has received written comments from other governmental entities that impose property taxes within the urban renewal area. As announced at the November 22, 2005 meeting, the City Council will consider those comments tonight and decide whether any changes need to be made to the action it took at the November 22, 2005 meeting.

The Council will reopen the hearing for the narrow purpose of allowing testimony and comments on the subject of the comments received from the other taxing districts. The Council will also allow comments on the proposed ballot title.

Any person may offer testimony. Please wait until you are asked to speak by the Mayor and remember that you must limit your remarks to a discussion of the comments received from the other taxing districts. Members of the City Council will be asked whether any ex-parte contacts or conflicts of interests have arisen since the last hearing.

After the discussion of conflicts and ex parte contacts, any person may challenge the participation of a Council member or rebut any statements made. The Council member in question may respond to such a challenge.

Tonight, City staff will summarize the written staff report. Then those in favor of adopting the urban renewal plan testify. Then witnesses who oppose the urban renewal plan or who have questions or concerns testify. If there is opposition or if there are questions, the City, as applicant, can respond. The Council members also may ask the staff and the witnesses questions throughout the hearing until the record closes. After all testimony is taken, including any rebuttal, City staff or consultant can make a closing statement. After the record is closed, the City Council will deliberate about what action to take. During deliberations, the City Council may re-open the public portion of the hearing if necessary to receive additional evidence before making a decision.

You must testify orally or in writing before the close of the public record to preserve your right to appeal the Council's land use decision to the Land Use Board of Appeals. Failure to raise an issue clearly enough so that Council understands and can address the issue precludes an appeal on that issue. Please be aware that the decision on the ballot title is not a land use decision. Pursuant to Tigard Municipal Code Section 1.12.030 and Oregon Revised Statutes 250.296, an

elector dissatisfied with the ballot title may file a petition with the City Elections Officer or the Washington County Circuit Court, no later than the close of business on Monday, December 5, 2005, for a review of the ballot title by the City Council or the Circuit Court. City offices close at 5 p.m.

Please do not repeat testimony offered by yourself or earlier witnesses. If you agree with the statement of an earlier witness, please just state that and add any additional points of your own.

Please refrain from disruptive demonstrations. Comments from the audience will not be part of the record. When you are called to testify, please come forward to the table. Please begin your testimony by giving your name, spelling your last name, and give your full mailing address including zip code. If you represent someone else, please say so. If you have any exhibits you want us to consider, such as a copy of your testimony, photographs, petitions, or other documents or physical evidence, at the close of your comments you must hand all new exhibits to the City Recorder who will mark these exhibits as part of the record. The City staff will keep exhibits until appeal opportunities expire, and then you can ask them to return your exhibits.

i:\adm\cathy\cca\cityattystatmenturbanrenewalsecondhearingclean.doc

AGENDA ITEM # 6
FOR AGENDA OF 12/13/05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Public Hearing to Consider Adoption of an Urban Renewal Plan Ballot Title and Approving an Explanatory Statement

PREPARED BY: Duane Roberts DEPT HEAD OK TC CITY MGR OK EUM/WRCP

ISSUE BEFORE THE COUNCIL

Should Council approve a resolution submitting the City Center Urban Renewal Plan to the voters and adopting a ballot title and explanatory statement?

Should Council allow the ordinance adopting the City Center Urban Renewal Plan to remain in effect as enacted?

STAFF RECOMMENDATION

Staff recommends that Council pick one of three ballot measure Question and Summary options and approve the resolution submitting the City Center Urban Renewal Plan to the voters.

Staff recommends that Council allow the ordinance to go into effect, but adopt additional findings addressing any comments received from overlapping taxing districts.

INFORMATION SUMMARY

On November 22, 2005, Council approved an ordinance adopting the City Center Urban Renewal Plan. At the same meeting, Council reviewed a proposed ballot measure Question and Summary statement. Following this review, Council directed staff to return to Council on December 13, 2005, with optional Question and Summary statements for Council consideration. The City Attorney has provided three different Question and Summary options for review (attached). One of these is the original Question and Summary statement.

According to the Urban Renewal statute, written recommendations of overlapping tax districts must be accepted, rejected, or modified in adopting the Urban Renewal Plan. In the case of the City Center area, these districts include the following: Washington County, Tualatin Valley Fire and Rescue (TVFR), Port of Portland, Metro, Portland Community College (PCC), the Educational Service District (ESD), and the Tigard-Tualatin (T-T) School District. Each of the affected tax districts has been sent copies of the Plan and Report for review and comment. City staff also has attempted to contact each by phone. Three (TVFR, T-T Schools, and Washington County) requested in-person meetings with City representatives. The meetings with TVFR and the school district have taken place. The school board indicated that it does not intend to submit written comments. The meeting with the Washington County Board of Commissioners is set for December 13, 2005. The Port of Portland CFO has advised staff by phone that the Port does not intend to submit comments. As of this writing, Metro, PCC, and ESD have not provided comments or responded to phone messages. Any tax district comments received on or before December 13, 2005, will be brought to the Council meeting. This includes any comments on the UR district

provided by the Washington County Commissioners. City staff will provide potential responses to any written comments that are provided.

OTHER ALTERNATIVES CONSIDERED

None considered.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life/Central Business District Goal #1: Provide opportunities to work proactively with Tigard Central Business District Association business and property owners and citizens of Tigard to set the course for the future of the central business district.

ATTACHMENT

1. A resolution of the City Council of the City of Tigard Submitting the City Center Urban Renewal Plan to the Voters of the City of Tigard, Adopting a Ballot Title, and Approving an Explanatory Statement
2. Three versions of the UR resolution Question and Summary statement.

FISCAL NOTES

Should Council refer an Urban Renewal Plan to the voters, the City will incur some costs relating to the election. If an Urban Renewal Plan that includes tax increment financing subsequently is approved by the voters, property tax proceeds from properties in the urban renewal district will be segregated, with the taxes on any increase in value after the establishment of the district going to the urban renewal district.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING THE CITY CENTER URBAN RENEWAL PLAN TO THE VOTERS OF THE CITY OF TIGARD, ADOPTING A BALLOT TITLE, AND APPROVING AN EXPLANATORY STATEMENT

WHEREAS, a duly noticed public hearing was held on November 22, 2005, to receive public input on the proposed adoption of the City Center Urban Renewal Plan; and

WHEREAS, the City Council, has considered the comments of other taxing districts, the recommendation of the Planning Commission, and the comments provided at and before the public hearing; and has decided to submit the City Center Urban Renewal Plan to the voters for their approval; and

WHEREAS, the City Council has adopted an ordinance approving the City Center Urban Renewal Plan, subject to voter approval;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: An election is hereby called in and for the City of Tigard for the purpose of submitting to the legal voters the following question:

Shall the City Center Urban Renewal Plan, including the tax increment financing of public improvements, be adopted?

SECTION 2: Tuesday, May 16, 2006, is hereby designated as the date for holding the election for the purpose of voting on the measure as stated in the above paragraph.

SECTION 3: The election will be conducted by the Washington County Elections Department.

SECTION 4: The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Tigard.

SECTION 5: The ballot title to appear on the ballots shall be:

CAPTION

Adoption of City Center Urban Renewal Plan.

RESOLUTION NO. 05 - ____

QUESTION

Shall the City Center Urban Renewal Plan, including the tax increment financing of transportation and other improvements, be adopted?

SUMMARY

The City Center Urban Renewal Plan provides for improving transportation, and other public facilities in the City Center area, which generally includes the area adjacent to Highway 99, west of Highway 217 and Hall Boulevard and east of Fanno Creek. The projects proposed by the Plan would be financed in part by tax increment financing. Tax increment financing allocates the property taxes on any increases in total property value in the Urban Renewal Area to the Tigard City Center Development Agency (the Urban Renewal Agency), which then repays indebtedness incurred to finance Plan projects. The maximum indebtedness under the plan is \$22 million.

SECTION 6: The Council adopts the Explanatory Statement for the measure that is attached to this Resolution (Exhibit A).

SECTION 7: The City Recorder and other staff shall take all necessary steps to effectuate this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2005.

Craig Dirksen, Mayor

ATTEST:

Catherine Wheatley, City Recorder

RESOLUTION NO. 05 - _____

EXHIBIT A

This measure, if approved, would adopt the City Center Urban Renewal Plan, including a provision to finance urban renewal projects through tax increment financing. The urban renewal area covered by the Plan includes the area adjacent to Highway 99, west of Highway 217 and Hall Boulevard, and east of Fanno Creek. The Plan and the Urban Renewal Report which provides information about the Plan are available at city hall and at www.tigard-or.gov.

Projects included in the Plan include:

Street improvements:

- Ash Avenue
- Scoffins/Hall/Hunziker intersection
- Hall/99W intersection
- Greenburg Road/99W intersection
- Burnham Street
- Center Street

Streetscape (landscaping, street trees, street furniture)

- Main Street
- Burnham Street
- Commercial Street
- Ash Avenue
- Scoffins Road
- Center Street

Bike/Pedestrian improvements

- Commuter rail access
- Hall Boulevard
- Scoffins Street
- Tigard Street
- 99W
- Center Street
- Fanno Creek Pedestrian bridge
- North Rail Corridor
- Tigard/Grant intersection

Park Improvements

- Fanno Creek Park
- Skateboard Park

Public Spaces

- Green corridor/urban creek
- Plazas
- Urban green spaces
- Public market

Public buildings

- Performing arts center
- Public parking
- Public market area
- Post office relocation
- Public restrooms

The Plan calls for tax increment financing. Under tax increment financing, property taxes are divided into two parts. Taxes on the value of the urban renewal area as of the date a plan is initiated are paid to the county, city, and other taxing districts in the normal way taxes are apportioned. The taxes on any increase in the total assessed value of the urban renewal area after initiation of the plan are paid to the Urban Renewal Agency, to be used to repay indebtedness incurred to pay for plan projects. The tax increment financing would not have an effect on permanent tax rates, it will likely result in a very small increase in rates to repay bonded indebtedness approved by voters before October 6, 2001.

If the measure is approved, the County, City and other taxing districts would continue to receive taxes on the current total value of all property within the urban renewal area but would not receive taxes paid on the increase in assessed value, including the maximum of 3% annual increase in taxable assessed value for most existing properties or increases due to improvements to property.

When the tax increment financing of the Plan ends, it is expected that total property values in the Plan area would exceed what they would have been without the Plan, thereby providing increased revenue to all taxing districts.

CURRENT VERSION**CAPTION**

City Center Urban Renewal Plan and Tax Increment Financing

QUESTION

Shall the City Center Urban Renewal Plan, including tax increment financing of transportation and other improvements, be approved?

SUMMARY

The City Center Urban Renewal Plan provides for improving transportation and other public facilities in the City Center area, which generally includes the area adjacent to Highway 99, west of Highway 217 and Hall Boulevard, and east of Fanno Creek. The projects proposed by the Plan would be financed in part by tax increment financing. Tax increment financing allocates the property taxes on any increases in total property value in the Urban Renewal Area to the Tigard City Center Development Agency (the Urban Renewal Agency), which then repays indebtedness incurred to finance Plan projects. The maximum indebtedness under the plan is \$22 million.

ALTERNATIVE 1

CAPTION

City Center Urban Renewal Plan and Tax Increment Financing

QUESTION

Shall the City Center Urban Renewal Plan, including tax increment financing of Plan projects, be approved?

SUMMARY

If the measure is approved, the City Center Urban Renewal Plan, including tax increment financing of projects listed in the Plan, would become effective. The City Center Urban Renewal Plan provides for improving transportation and other public facilities in the City Center area, which generally includes the area adjacent to Highway 99, west of Highway 217 and Hall Boulevard, and east of Fanno Creek. The projects proposed by the Plan would be financed in part by tax increment financing. Tax increment financing allocates the property taxes on any increases in total property value in the Urban Renewal Area to the Tigard City Center Development Agency (the Urban Renewal Agency), which then repays indebtedness incurred to finance Plan projects. The maximum indebtedness under the plan is \$22 million. The City Council has adopted the plan, subject to voter approval.

ALTERNATIVE 2

CAPTION

City Center Urban Renewal Plan and Tax Increment Financing

QUESTION

Shall the City Center Urban Renewal Plan, including tax increment financing of public improvements, be approved?

SUMMARY

If the measure is approved, the City Center Urban Renewal Plan, including tax increment financing of projects listed in the Plan, would become effective. The City Center Urban Renewal Plan provides for improving transportation and other public facilities in the City Center area, which generally includes the area adjacent to Highway 99, west of Highway 217 and Hall Boulevard, and east of Fanno Creek. The projects proposed by the Plan would be financed in part by tax increment financing. Tax increment financing allocates the property taxes on any increases in total property value in the Urban Renewal Area to the Tigard City Center Development Agency (the Urban Renewal Agency), which then repays indebtedness incurred to finance Plan projects. The maximum indebtedness under the plan is \$22 million. The City Council has adopted the plan, subject to voter approval.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: An Ordinance Amending Terms of the Building Appeals Board Members

PREPARED BY: Gary Lampella DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should City Council approve an Ordinance amending Section 2.09.020 of the Tigard Municipal Code (TMC) to stagger the terms of the members of the Building Appeals Board?

STAFF RECOMMENDATION

Staff recommends Council approve the proposed Ordinance that amends the terms of the members of the Building Appeals Board.

INFORMATION SUMMARY

On September 25, 2001, Council approved an Ordinance changing the number of members for the Building Appeals Board from fourteen to seven. On April 9, 2002, seven new members were appointed with terms of four years. Their terms all expire on April 1, 2006. Without staggered terms, the City could be faced with a complete new board every four years. This board's function is different than other City boards and committees in that there is no specific work or agenda that they regularly participate in. They are a board that rules on interpretations and decisions of the State building codes by the Building Official that are appealed by an affected party. Generally, they meet once a year to elect new officers.

The current members are identified as having specific varied backgrounds of expertise in order to be appointed to this board. In order to keep some continuity of the board, it would be logical to change only a few members at a time. Staff attended a Council study session seeking direction on this issue. City Council agreed that the terms should be staggered and directed staff to return with an Ordinance amending Section 2.09.020 of the TMC.

OTHER ALTERNATIVES CONSIDERED

Keep the current TMC language and appoint new board members every four years.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Attachment 1: Proposed Ordinance

Exhibit A: TMC Title 2, Section 2.09.020 with proposed language changes

Exhibit B: Transition Matrix

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

ORDINANCE NO. 05-_____

AN ORDINANCE AMENDING SECTION 2.09.020 OF THE TIGARD MUNICIPAL CODE TO
STAGGER THE TERMS OF THE BUILDING APPEALS BOARD

WHEREAS, the terms for all seven members of the Building Appeals Board expire on April 1, 2006; and

WHEREAS, other City boards and commissions have staggered terms; and

WHEREAS, it is desirable to maintain some existing members and stagger terms so all vacancies do not occur on the same date; and

WHEREAS, staggering terms (Exhibit B) will maintain a more consistent and knowledgeable board.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Section 2.09.020 of the Tigard Municipal Code is amended as shown in Exhibit A.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2005.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2005.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

EXHIBIT A

~~Strike through~~ is deleted language

Bold underlined is new language

2.09.020 Appointment--Membership.

The board shall consist of seven members who are not Council members, officers or employees of the City. The members of the board shall be appointed by the Mayor, subject to confirmation by the Council, ~~for a term of four years~~, and shall serve at the pleasure of the Mayor and Council. The Building Official shall be an ex-officio member and shall act as secretary to the board but shall have no vote on any matter before the board. (Ord. 01-12A)

For terms commencing in April 2006, three members shall be appointed to two-year terms and four members shall be appointed to four-year terms. All subsequent appointments shall be for four-year terms.

EXHIBIT B

Transition Terms

	4-year									
		2-year								
Terms expire 4/01/06	4/01/06	4/01/07	4/01/08	4/01/09	4/01/10	4/01/11	4/01/12	4/01/13	4/01/14	4/01/15
1. Structural Engineer			X				X			
2. General Contractor			X				X			
3. Fire Marshal			X				X			
4. Building Official					X				X	
5. Public Member					X				X	
6. Disabilities Member					X				X	
7. Attorney					X				X	

4-year terms

Since all the members of the Board of Appeals have terms that expire on the same date, April 1, 2006, a new staggered term matrix is necessary to transition into regular 4-year terms. The following explains how the terms will be implemented:

- Members 1, 2 & 3 are initially appointed for a 2-year term until 4/01/08, and then new members start 4-year terms
- Members 4, 5, 6,& 7 follow a regular 4-year term appointment

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Clean Water Services' Request for Waiving of Application Fees for Community Development Code and Comprehensive Plan Amendments.

PREPARED BY: Gary Pagenstecher DEPT HEAD OK TC CITY MGR OK EAM for UP

ISSUE BEFORE THE COUNCIL

Should the Council approve Clean Water Services' (CWS) request to waive application fees for its proposed Community Development Code and Comprehensive Plan Amendments?

STAFF RECOMMENDATION

Staff recommends that the Council postpone any decision on the CWS fee waiver request until a new approach to implementation of the stream rehabilitation and enhancement activities proposed by CWS is worked out as described below.

INFORMATION SUMMARY

Recent discussions between CWS and City staff have resulted in a new approach to implementation of the stream rehabilitation and enhancement activities proposed by CWS for Fanno Creek at Englewood Park. This approach would make the City the applicant for the proposed enhancements. Pursuant to Tigard Development Code Section 18.775.020.C, stream and wetland restoration and enhancements (as proposed), performed under the direction of the City and in compliance with the provisions of the City of Tigard Standards and Specifications for Riparian area Management, are exempt from sensitive lands review and would not require a land use permit. Therefore, the issue of plan and code amendments and application fees for them would become moot.

CWS and the City's Public Works department are currently discussing a draft IGA that would accommodate the cooperative effort. If the parties can agree on this approach, the Council would be asked, in the near future, to consider a resolution approving an IGA between CWS and Tigard Public Works to implement the enhancements.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

Provided an agreement can be reached, the City's Public Works department would incur some expense in providing oversight for the project that would be undertaken cooperatively by staff of both CWS and the City. The IGA would likely address these costs.

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: CITY of TIGARD/CITY of KING CITY MEMORANDUM OF UNDERSTANDING

PREPARED BY: Elizabeth A. Newton EAN DEPT HEAD OK EAN CITY MGR OK EAN

ISSUE BEFORE THE COUNCIL

Should the City Council authorize the Mayor to sign a Memorandum of Understanding (MOU) between Tigard and King City?

STAFF RECOMMENDATION

Review the attached MOU and authorize the mayor to sign.

INFORMATION SUMMARY

The City of Tigard has an Urban Planning Area agreement with Washington County that delineates the City's Urban Planning Area Boundary. The city of King City also has an urban Planning Area Agreement with Washington County. The City of King City is interested in adding the northeast quadrant of the Beef Bend/Roy Rogers intersection to its area of interest if that area is added to the Urban Growth Boundary. This area is not within Tigard's current Urban Planning Area.

The attached MOU between the Cities of Tigard and King City clarifies King City's new Urban Planning Area Boundary with the proposed addition.

Also attached is a letter prepared by Tom Brian, Washington County Commission Chair, to acknowledge receipt of the signed MOU to be sent upon signature by both Mayors.

The City of King City will consider the MOU at their Council meeting on December 7, 2005.

OTHER ALTERNATIVES CONSIDERED

Do not authorize the Mayor to sign the MOU.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

1. Memorandum of Understanding (MOU) between the cities of King City and Tigard.
2. Letter from County Commission Chair Tom Brian.

FISCAL NOTES

No cost associated with adopting the MOU.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF KING CITY AND TIGARD**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into by and between the cities of King City and Tigard, both municipal corporations, hereinafter referred to as "King City" and "Tigard."

RECITALS

WHEREAS, the parties to this agreement have entered into Urban Planning Area Agreements with Washington County that delineate each party's Urban Planning Area Boundary;

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065;

WHEREAS, the parties to this agreement have executed the required cooperative agreements;

WHEREAS, the parties to this agreement, Washington County, and other Washington County cities and special service districts have been working for several years to study service boundary configurations and the requirements of ORS 195;

WHEREAS, Tigard with Washington County and other Washington County special service districts have adopted the Tigard Urban Service Agreement, which designates the long term service providers of several services to the Tigard Urban Service Area;

WHEREAS, King City and Tigard have each entered into an intergovernmental agreement with Clean Water Services for the provision of sanitary sewer and storm water services;

WHEREAS, it is the intent of both parties to have a mutual boundary generally along the centerline of Beef Bend Road consistent with past annexation practice;

WHEREAS, King City wishes to extend its boundary to include the northeast quadrant of the intersection of Beef Bend Road and Roy Rogers Road;

WHEREAS, King City desires to enter into an urban service agreement for the King City Planning Area Boundary with Washington County, special service districts, Tigard, and other appropriate cities;

WHEREAS, King City and Washington County have requested a Memorandum of Understanding with Tigard to clarify future boundary issues as a prelude to the development of a future King City Urban Service Agreement;

WHEREAS, Tigard wishes to assist King City and Washington County in clarifying these issues;

Now, therefore, under the authority provided for in ORS Chapter 190 and 195 it is agreed by and

between the parties hereto as follows:

- A. Tigard recognizes King City's Urban Planning Area Boundary delineated in the December 2001 Washington County – King City Urban Planning Area Agreement. Tigard has no interest in providing services to this area except as required by the existing intergovernmental agreement between King City and Tigard for water service.
- B. Tigard recognizes as King City's area of interest the area outside of the urban growth boundary between Beef Bend and Roy Rogers Road the Tualatin River and the BPA powerline right of way, and the northeast quadrant of the Beef Bend / Roy Rogers Road intersection, subject to further delineation of the intersection boundary. Tigard has no interest in assuming service provision or land use responsibility for this area in the event any portion of the area is added to the urban growth boundary, except as may be required by the cities' intergovernmental agreement for water service.
- C. King City recognizes Tigard's Urban Planning Area Boundary delineated in the October 2003 Washington County – Tigard Urban Planning Area Agreement and Tigard's Urban Service Area as delineated in the 2002 Tigard Urban Service Agreement. King City recognizes that the service providers to this area are designated in the Tigard Urban Service Agreement and that King City has no interest in providing services to this area.
- D. King City recognizes as Tigard's area of interest the area north of Beef Bend Road currently located outside of the urban growth boundary, excluding the northeast quadrant of the Beef Bend / Roy Rogers Road intersection, subject to further delineation of the intersection boundary. King City has no interest in assuming service provision or land use responsibility for this area in the event any portion of it is added to the urban growth boundary.
- E. It is in the long-term best interests of the parties to establish a mutual boundary that is generally co-terminus with the centerline of Beef Bend Road, except at the intersection of Beef Bend Road and Roy Rogers Road. The parties agree that in the event the northeast quadrant of the Beef Bend / Roy Rogers Road intersection is added to the urban growth boundary, this section of Beef Bend Road will be wholly within King City.
- F. The parties will work diligently and in good faith with other local governments to adopt before March 31, 2006, or as soon as reasonably practical, an urban service agreement(s) that fully comports with ORS 195.065 et. seq. and covers some or all of the area shown in Map 'A'.
- G. The parties will work diligently and in good faith to adopt an agreement that coordinates their future responsibilities for the maintenance of Beef Bend Road.
- H. The parties will take necessary subsequent actions to amend their comprehensive plans and applicable urban service agreements in the event there are future expansions to the urban

Memorandum of Understanding Between King City and Tigard
November 9, 2005
Page 3

growth boundary.

In Witness thereof, the parties hereby enter into this Memorandum of Understanding on the date set opposite their signatures.

CITY OF KING CITY

By: _____
Charles R. Faes, Mayor

Date

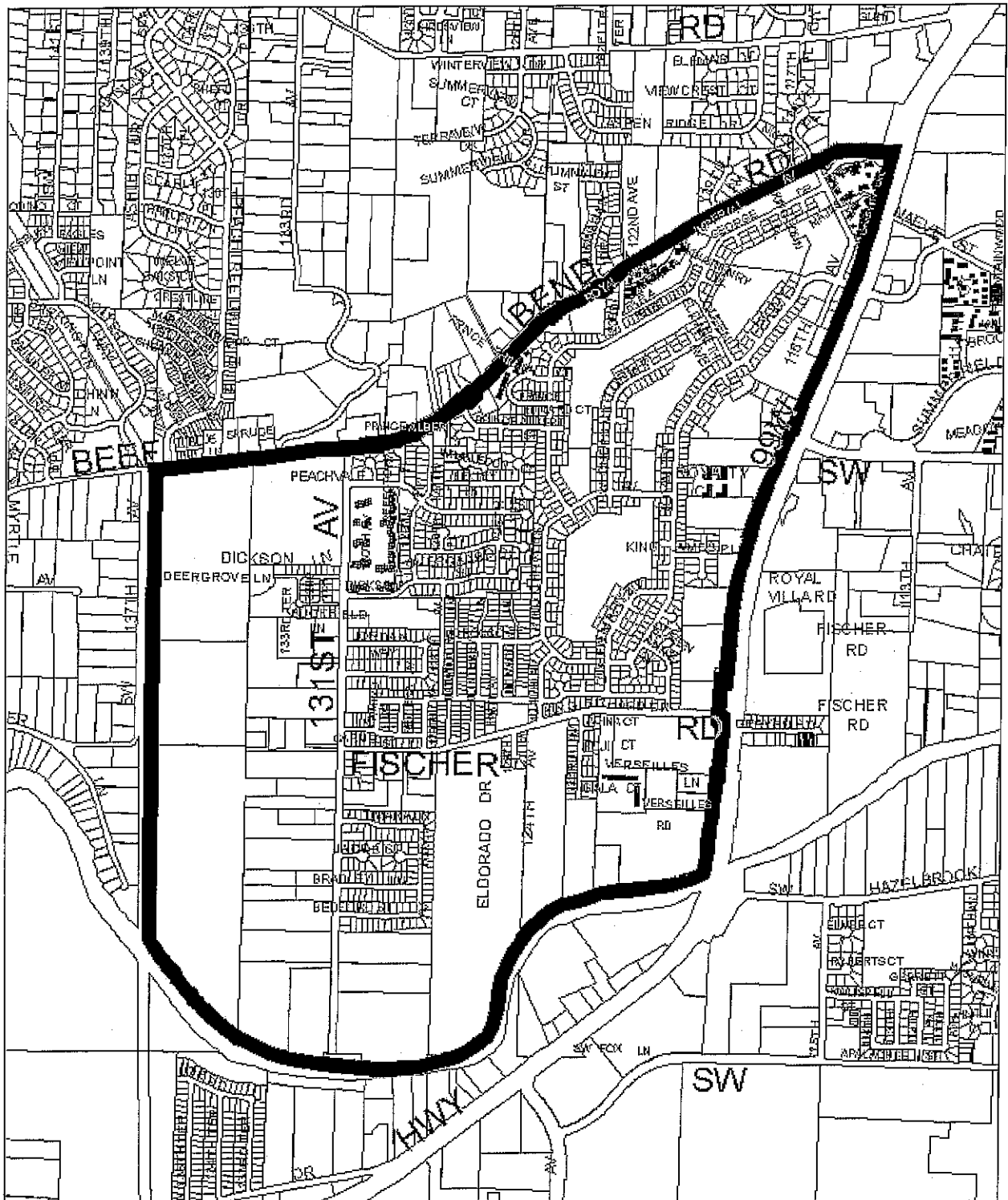
Memorandum of Understanding Between King City and Tigard
November 9, 2005
Page 4

CITY OF TIGARD


By: _____
Craig E. Dirksen, Mayor

Date

MAP A



Legend

 King City Urban Service Area

The information on this map was derived from several sources and is not guaranteed to be 100% accurate. King City cannot accept any responsibility for errors, omissions, or misstatements. There are no warranties or representations made by King City. The information is provided for informational purposes only and should not be used for any other purpose. Planning Division, 1550 First Ave., Suite 100, Tigard, OR 97124. © 2005 King City, Oregon. All rights reserved.



GIS
 Geographic
 Information
 Systems

To be sent upon MOU signature by both mayors

Date

Dear Mayors Faes and Dirksen,

I have received a copy of the proposed memorandum of understanding (MOU) between King City and the City of Tigard that will establish a foundation for the development of an Urban Services agreement for King City as desired by both Washington County and King City. To that end, Washington County has facilitated meetings between King City and Tigard to discuss future boundary issues and assisted the cities in drafting this MOU to clarify these issues.

I understand that the mayors of both cities endorse the MOU and will recommend adoption by their respective city councils. While County Administrator Charles Cameron and staff facilitated the discussion between the two cities, I recognize that the product of those discussions was agreed to by the cities of their own volition. I also appreciate that the agreement between two mayors is not binding, but it is the first step toward the adoption of a King City Urban Services Agreement. I support your efforts and the MOU for the following reasons:

- King City and Washington County believe an Urban Services Agreement is a necessary step in fulfilling future growth plans and determining the King City's potential over time.
- As we have determined through our experience in other Urban Service Agreement processes, the early consideration of future boundaries serves to significantly shorten the timeline for the development of the agreement. This candid "laying of the cards on the table" by the participants relieves the process of substantial uncertainty. This type of coordination should provide us a firm basis for the subsequent discussions.

On behalf of the Washington County Board of Commissioners, please accept my congratulations on arriving at an agreement that each of you feels will well-serve your respective communities. I look forward to the development of the Urban Services Agreement.

Sincerely,

Tom Brian, Chairman
Washington County Board of Commissioners

AGENDA ITEM # 10
FOR AGENDA OF December 13, 2005

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE BRANDING/GRAPHIC IDENTITY DESIGN DISCUSSION

PREPARED BY: Elizabeth Ann Newton DEPT HEAD OK EAN/fmcp CITY MGR OK EAN/fmcp

ISSUE BEFORE THE COUNCIL

Council review of branding/graphic identity final design.

STAFF RECOMMENDATION

Provide final direction on the design.

INFORMATION SUMMARY

Council met with Glen Marcusen in work sessions in July, September and October to discuss and review graphic identity design concepts. Based on the direction provided by Council at the November 15 workshop, Mr. Marcusen will present the final design options for Council to finalize.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

The contract with Marcusen Design is not to exceed \$10,500.